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A DIGEST
OF THE
LAWS, ORDINANCES
AND
CONTRACTS
OF THE
CITY OF MEMPHIS

CONTAINING ALL LAWS, ORDINANCES AND
CONTRACTS PASSED AND ENTERED INTO
UP TO AND INCLUDING JUNE 30TH, 1909.

COMPILED BY

H. DOUGLASS HUGHEY

Pursuant to the following resolution adopted by the Board of Fire
and Police Commissioners of the City of Memphis, July 31, 1907.

"WHEREAS, It is provided in the City Charter that a Digest of
the local laws shall be prepared at least once in five years, and
oftener if deemed necessary by the Board of Fire and Police Com-
missioners; and,

"WHEREAS, The last Digest was issued in 1902, and a new Digest
is now needed; therefore,

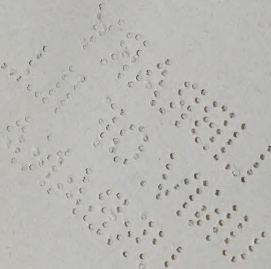
"*Resolved*, That the City Attorney be directed to prepare a new
City Digest modeled on the plan of Walker's Digest of 1898, the
work to be done as soon as practicable.

"In preparing the Digest, the Attorney is directed not to in-
corporate therein the city contracts now embraced in Watkins'
Digest of 1902, beginning at page 533 of said Digest; but city
contracts of general and lasting character, and especially those
modifying or changing the above contracts now appearing in
Watkins' Digest, will be incorporated in the new Digest.

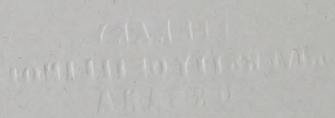
"The matter under the head of 'Decisions of State and Federal
Courts Relating to the City of Memphis,' commencing at page
105 of Watkins' Digest, and ending with page 160, will also be
omitted.

"A careful index of the contents of the Digest will also be pre-
pared."—(Minute Book "B," Fire and Police Commission, p. 132.)





PRESS OF
S. C. TOOF & COMPANY
MEMPHIS, TENNESSEE
1909



CITY GOVERNMENT OFFICIALS.

LEGISLATIVE COUNCIL.

COMPOSED OF THE BOARD OF FIRE AND POLICE COMMISSIONERS AND THE BOARD OF PUBLIC WORKS.

FIRE AND POLICE COMMISSIONERS.

JAMES H. MALONE.....	Mayor
JOHN T. WALSH.....	Vice-Mayor
B. G. HENNING.....	Commissioner
H. T. BRUCE.....	Commissioner
E. H. CRUMP.....	Commissioner

BOARD OF PUBLIC WORKS.

GEO. C. LOVE, Chairman.

THOMAS DIES.	FRANK F. HILL.
J. S. DUNSCOMB.	P. J. MORAN.
C. W. EDMONDS.	LOUIS SAMBUCETTI.
ABE H. FRANK.	J. THOS. WELLFORD.

H. T. WINKELMAN.

ENNIS M. DOUGLASS.....	City Register
TOM V. VIGUS.....	Asst. City Register
H. DOUGLASS HUGHEY.....	
.....	City Stenographer and Clerk to the Legislative Council
HARRY L. ALEXANDER.....	Assistant Clerk
GEO. L. HARRIS.....	Secretary to the Mayor

LEGAL DEPARTMENT.

THOMAS H. JACKSON.....	City Attorney
JAS. L. McREE.....	Assistant City Attorney
MARION G. EVANS.....	Assistant City Attorney

LEGISLATIVE COUNCIL — CONTINUED

TAX DEPARTMENT.

GEO. L. CHIGHIZOLA.....City Tax Assessor
R. H. ANDERSON.....Assistant Assessor

POLICE DEPARTMENT.

W. C. DAVIS.....Chief of Police
ED KEHOE.....Chief of Detectives
SIM L. BARINDS.....Clerk

FIRE DEPARTMENT.

C. T. SULLIVAN.....Chief
JOHN MCFADDEN.....Assistant Chief
JULIUS VENTURINI.....Assistant Chief
MICH. FITZMORRIS.....Assistant Chief

OTHER OFFICERS OF THE CITY OF MEMPHIS.

A. C. FLOYD.....Judge of City Court
J. J. CONNORS.....Clerk of City Court
H. C. BENDER.....Assistant Clerk of City Court
J. H. WEATHERFORD.....Engineer
DAN C. NEWTON.....Building Commissioner
R. A. UTLEY.....Paymaster
P. C. POWERS.....Street Commissioner
FRANK W. DAVIS.....Wharfmaster
FELIX LECLERC.....Register of Licenses, Etc.
W. P. SHEA.....Inspector of Weights and Measures
J. A. OLIVER.....Assistant Building Commissioner
W. O. WHITE.....Gas Inspector
C. P. MARSHALL.....Boiler Inspector
JOS. BRAUN.....Light Inspector
FRANK TAYLOR.....Hospital Superintendent
C. J. SCHULTZ.....Plumbing Inspector
J. J. SLOVER.....Meat Inspector
CHAS. J. JEHL.....License Inspector
GEO. J. WARD.....Market Master
CHAS. HALLORAN.....Harness Maker
J. W. SCHEIBLER.....Veterinarian

INTRODUCTION TO THE SEVENTH (PRESENT) DIGEST.

The present Digest (1909) embraces all legislation relating to the city, and all ordinances, resolutions and contracts of an important and lasting character down to and including the 30th day of June, 1909.

Introductory to the earlier Digests furnish a brief history of some of the causes that gave birth to our laws, and explains why the "Taxing District Act of 1879," and amendatory acts thereof, were necessary, which acts, in effect, make our government simply an agent of the state government.

The main cause that brought about the repealing of the original charter of the City of Memphis, Acts of 1826, and amendments thereof, was the city's inability to settle its debts, brought about by the yellow fever scourge of 1878, which, so depopulated our city and depreciated real estate values that the settling of the old debt dollar for dollar was impossible. The city compromised this debt with its creditors, the Taxing District Act of 1879 and the amendatory acts of 1883 and 1885 being enabling acts for this purpose, which resolved our government back into the body of the State, abolished all offices and withdrew all power of taxation from the municipal government, and transferred all such powers to the custody and control of the State.

The old city debt in 1883, with accumulated interest, amounted, in round numbers, to about \$7,000,000. Under the acts above mentioned, the debt of the old city was settled long since, and funded into "compromising bonds," issued by the district, the original issue being about \$3,500,000, bearing 6 per cent. interest. The city has since paid \$730,000 of these bonds, and has issued new refunding 4½ per cent. bonds for the remainder.

As the work of compiling this Digest begins from the date of the Watkins' Digest of 1902, I deem it would not be inappropriate to give briefly a review of the growth and improvements made by the respective governing agencies since that time.

WILLIAMS ADMINISTRATION.

During the years 1902 to 1905 (and for four years prior to 1902), the Hon. J. J. Williams was at the head of the government. Prior to the year 1903, the city could not levy and collect more than \$600,000 of taxes for any one year on realty, personalty and merchants' capital. The revenue derived from privileges, pick-up taxes and all other sources, in addition to the \$600,000, amounted to about \$200,000, giving the administration, say \$800,000 to maintain and improve its government. The city was beginning to grow rapidly, and new territory was being annexed here and there, and new homes and new industries were being built, creating a necessity for sewers and water. The Mayor, believing that the return of the dark days of 1878 and 1879 could be averted by the proper sewerage of its territory, expended almost the entire revenues, after paying the necessary running expenses of the several municipal departments, in building sewers and in laying water mains. Our revenues being limited, street improvement was a secondary consideration.

In 1903 an amendment to the Taxing District Act was passed, allowing the city to levy and collect taxes aggregating not more than \$1,100,000 per year, and this increase in revenue, though not sufficient, enabled the government to do a great deal of street improvement. The Williams administration was criticised for extending its sewers far into the open and unsettled territory, commonly called by many "old fields;" but the rapid growth of the city soon justified this far-sightedness, and before Mayor Williams went out of office he was commended for his course. When he was retiring and the Malone government was being ushered in, the Hon. J. T. Walsh, Vice-Mayor, stated in open Council:

"Mayor Williams, you have made the best Mayor Memphis has ever had, and have built for yourself a monument that will stand forever, even though it be hidden under ground."

MALONE ADMINISTRATION.

The government with the Hon. James H. Malone as Mayor at its head began with the year 1906. Unfortunately, factional politics broke out early in the administration, culminating in what was in effect a repeal of the entire City Charter by an act of the Legislature in 1907, and legislating out of office every man, from the Mayor down, and the Mayor was excluded from the City Hall for some six weeks. However, this act was declared void by the Supreme Court, the particulars of which can be seen in the case of *Malone vs. Williams*, 118 Tenn., p. 390.

This contest greatly embarrassed the Mayor in formulating and carrying out his policies.

Although, as above stated, the prior administration had expended the bulk of its revenues in building sewers and water mains, and the improvement of its streets had been limited, still, the city had been making such rapid strides in its growth that the building of sewers and mains could not keep pace with the growth of the city, and the Malone administration was forced to continue making large and continued improvements along this line, which drew heavily upon the limited revenues. This administration pushed ahead with street improvements the first two years of its term as rapidly as possible with the revenues left after paying for the maintenance of departments. Early in his administration, the Mayor took a determined stand for better and more sidewalks and an ordinance was introduced by the Mayor, and passed by the Council, requiring property owners to build and maintain granolith sidewalks in front of their respective properties. This ordinance, after a bitter contest in the courts, was held valid, and, as a result, hundreds of miles of

granolithic sidewalks have been laid, for which the Mayor deserves much credit. (See the case of O'Haver vs. Montgomery, 120 Tenn., 448.)

During the session of the Legislature of 1907, Mayor Malone was instrumental in having an act passed, commonly called "The Front Foot Assessment Law," which act permits the city to improve a street, assessing the property owners two-thirds of the cost, proportioned according to the respective frontages. This act required the signatures of 60 per cent. of the property owners before an improvement could be made; but, under an amendment passed in 1909, the city was given the initiative—that is to say, the city may proceed to improve the streets on its own motion, assessing the property owners whose property lies adjacent to the street improved two-thirds of the cost, according to the frontage, which charge is made a lien against the property. This law is especially the result of the labors of the Mayor, whose work has greatly simplified and made the law more efficient and easy of application.

The validity of the act of 1907 was assailed in the courts, but it was declared constitutional by the Supreme Court, at its April term, 1908, in the case of Nohsey vs. Memphis, MSS.

By the aid of this law, and an act of the Legislature of 1909, authorizing the issuance of \$1,000,000 bonds for street improvement, the city is making rapid strides in the improvement of its streets, and is fast becoming one of the best paved cities in the whole country.

In the annual message of the Hon. James H. Malone, Mayor, published in May, 1909, His Honor says:

THE PUBLIC WORK DONE DURING YEAR 1898.

"It should be a matter of gratification to the Council that the year 1908 marked the first step taken toward paving and beautifying our highways in the history of the city, and these improve-

ments have met with such hearty approval on the part of the citizenship at large that it will not be possible in the future to take any backward step along these lines.

“Street paving in 1908 under the front foot assessment law:

Streets completed	9.74 miles
Streets nearly completed	7.24 miles
Streets under contract	.98 miles

“Improvements in 1908 not under the front foot assessment law:

Streets completed or nearly completed	4.36 miles
Total	22.32 miles”

Since the above report was made, all of the work embraced in the above has been completed, and new street work, aggregating about twenty-one miles, is now under course of construction, or contracted for.

The people of Memphis have almost unanimously endorsed the policy of the Mayor and his administration in its street improvements under this law, gladly assuming the obligation to pay two-thirds of the cost; and the administration will carry forward (if not prevented by the courts, an injunction suit being now pending in the Chancery Court questioning the constitutionality of the 1909 act), these great improvements upon the scale that they were projected in the year 1908.

MAYOR'S POLICIES OUTLINED IN 1908.

Early in the fall of 1908, and with a view of carrying out the policies he had formulated, by having the same enacted into laws by the Legislature of 1909, the Mayor addressed a large audience of business men, and this address was put in pamphlet form and largely circulated, at his own expense. He advocated:

1. The amendment to the front foot assessment law already referred to.

2. A bill to authorize the issuance of \$1,000,000 street improvement bonds, being a companion bill to the front foot assessment law.

3. A bill to authorize the issuance of \$1,000,000, of which \$500,000 was designed to purchase the Southern Railway yards and to convert the same into a park, the balance to be used on the general park system.

4. A bill to authorize the issuance of \$250,000 bonds to build a new police station.

The Council concurred in these recommendations, and also a bill to issue \$500,000 bonds in aid of the public schools, all of which were enacted into laws by the Legislature of 1909.

THE TAX RATE AND ITS UNIFORMITY.

Prior to 1905, there were three separate rates of taxation, but the Legislature of that year enacted that a uniform rate should prevail throughout the city. This gave rise to a long and acrimonious discussion. The Mayor advocated a uniform rate, and enforced the same, defeating in the Supreme Court an effort to destroy a uniform rate. (See Galloway vs. Memphis, 116 Tenn., p. 736.)

The Legislature repealed the uniform act of 1905, but the Mayor maintained that it did not, in law, revive the old three-rate law, which opinion was adopted by the Council and acquiesced in by the public, a much desired result.

Memphis has grown from a population of about 100,000 in 1900 to a population estimated, as computed from the 1909 Directory, of 210,000.

CITY WATER PLANT.

In May, 1903, the city purchased its water plant. This plant, on December 31, 1908, operated 191 miles of mains (being a 40 per cent. increase since purchase of plant), has 17,213 connec-

tions, or 46 per cent. increase since purchase), and a daily average pumping of 13,052,146 gallons from 69 artesian wells, of depths from 450 to 500 feet, with an inexhaustible supply, furnishing its citizens with cool water as pure as can be found on the continent—so pure that her death rate amongst the white is only 9.03 per 1,000, which is third lowest of all American cities.

In 1908, a splendid auxiliary water plant on Central avenue was completed, and the vast amount of water there found is a guaranty of an unlimited supply for the city in the future.

THE PARK SYSTEM.

The Park System, which was so ardently advocated by the late Hu L. Brinkley, and supported and becoming a reality under the Hon. J. J. Williams and his administration, opened up in earnest in the year 1901, when Overton and Riverside Parks were purchased, and, under the supervision of the Park Commission, the system is fast becoming a garden spot of the city and the pride of its citizens. Its grand parkway, which almost encircles the city, being eleven miles in length, 40 per cent. being boulevarded, double roadway, connecting Riverside, on the southwest, with Overton, on the northeast, and thence into the heart of the northern section of the city, will soon be completed, and promises to be one of the grandest boulevards in the whole country. Memphis now has 814 acres in improved parks, and a large zoological garden containing 382 interesting specimens.

The county is just finishing a \$1,500,000 Court House, which is the most beautiful specimen of classic architecture in the United States, and the city government will soon be quartered in this magnificent building.

H. DOUGLASS HUGHEY.

July, 1909.

INTRODUCTION TO FIRST DIGEST.

It may not be inappropriate, as introductory to this Digest, to state some of the causes that gave birth to that government whose laws and ordinances it contains.

After the scourge of 1878 had done its work of death, those who survived found many deserted hearthstones and desolate homes. Pestilence, more pitiless than war, had robbed Memphis of thousands of her truest and most enterprising citizens, and of millions of money, in paralyzed industry and diminished values; and the future, which once promised so fair, was beclouded with doubt and fear. For interest on debts made no pause, though the "pestilence walked in darkness," and taxation in the devoted city vastly increased on greatly diminished resources; and our accumulated misfortunes did not appease the thirst for payment of a vast and insupportable debt. Friend met friend, and, as they looked each other in the face and remembered the past, wept for themselves and for their beloved city. What was to be done? Memphis had tried to settle her debt, and failed. Where the fault lay it is not necessary to inquire. The fact is the attempt failed. Besides, profoundly grateful for the beneficent charity that poured in upon her from the civilized world with unabated benefaction, through the yellow fever, it was felt that something ought to be done in the way of thorough sanitation, in order that the plague never return; and that it was essential to the life of trade that our dilapidated streets be repaired and paved. Added to all this was the realization of the fact that municipal governments in the United States were a failure. It is a curious, not to say sad, reflection that so enlightened and progressive a people as ours should have so lamentably failed in their management of municipal affairs.

So it was, these accumulated ills brought Memphis to the verge of destruction and despair, and these weighty considerations

moved her to seek relief. It was a question of life or death. For what booteth it that her position was the most commanding on the continent, and that she was the natural interpot for all the varied productions of the largest, most fertile and rapidly developing valley in the world, if all her earnings and income were only to fill the coffers of her creditors? What booteth it that her muscle, brain and enterprise gave promise of prosperity and greatness, if all she had, and hoped for, was only held in trust for the payment of debts that were accumulated without permanent benefit to her, and that, like a millstone around her neck, dragged her down to bankruptcy and death? From these ills, and others worse to come, her citizens united to find a release; and, believing that when governments fail of their purpose (the good of the governed), and that communities, like individuals, can invoke the protection of the maxim, "self-preservation is the supreme law," they asked the sovereign State to take back their ancient privileges and franchises, and give them a new and better form of government.

To this end, mass-meetings were held, committees appointed, and bills drawn and passed by the Legislature. These laws have been ratified by our Supreme Court, and the Taxing District of Shelby County, Tennessee, is an accomplished fact. And it is fondly hoped that its organic law embodies the solution of that hitherto unsolved problem—how to govern, cheaply and well, a municipal corporation.

This government is simply an agent of the State government, without the power of credit or taxation, and the evils consequent thereon. It owns no property, except for governmental purposes alone. It can issue no bonds, and has no power to pay them if they are issued. It contracts no debts, except as against particular taxes levied by the State itself, to pay them, year by year. It therefore pays as it goes—the only true policy for individuals and States. What improvements it makes, it pays for;

and if it has no money to pay, it waits till it has. Launched under such auspices, it is hoped that it will prove a lasting blessing, and that economy, honesty and enterprise, cleanliness and thorough sanitation, good streets, and an efficient fire and police protection will close its gates on the pestilence forever, and open wide the doors of health and lasting prosperity.

INTRODUCTION TO SECOND DIGEST.

The enormous indebtedness of the cities of the country, and the evils attendant thereon, are the result, in great part, of a misconception of the true scope of municipal government. Instead of confining municipal powers to the conservation of the health, peace and good order of the inhabitants of municipalities, and the protection of their liberty and property, too often extraordinary and extra municipal powers are conferred, which, loosely worded and construed, and more loosely executed, have borne pernicious fruits everywhere. Extravagance, peculation and corruption have added private dishonor and disgrace to public bankruptcy and ruin.

Too little power has been given the executive, and too little responsibility has, consequently, attached to him. The taxing power has been bestowed with too lavish a hand, and for too many purposes. The inefficiency of administration, arising from the complex character of the municipal organization, the number of officers, and the manifold duties confided to them, are evils apparent to all.¹

To avoid these evils, and many others of the old system of municipal rule, and to attain the benefits of honest and economical government, the Taxing District was created. It is simple in structure and cheap and efficient in administration.

Its functions are confined to municipal regulation and government proper, and the evils of unrestricted taxation are entirely eliminated, by not clothing it with that power for any purpose, but leaving it to the State to levy all taxes for it.

The powers of government are chiefly confided to three men, having one of these as the Chief Executive, clothed with ample power. These are all elected by the people, for whom they act,

¹ See 1 Dill, Mu. Cor., pp. 85-89.

and to whom they are responsible. These three are aided in the passage of all laws, and the contracting for all work, by five others, who serve without compensation, and are also chosen by the people.

It combines, therefore, promptness of action, with a due regard for the rights of all whom that action may affect.

The government has been in existence three years and five months. During the last three years of that time it has paved fifteen miles of streets, put down forty miles of sewers, and thirty miles of drain pipes, and every foot of it is paid for.

In that time no pestilence has entered our gates. Crime has ceased its deadly work, the pistol shot is heard no more, and we can live at home all the year, in health and peace, and with that security which liberty, regulated by law—the only true liberty—brings to its possessors.

Thus far the Taxing District has not disappointed the expectation of its citizens, nor will it in the future, if they are true to themselves.

INTRODUCTION TO THIRD DIGEST.

At the time of the repeal of the charter of the City of Memphis, in January, 1879, the debt of the city amounted, in round figures, to about six million dollars. No immediate provision was made by the State for the settlement of that debt, except that the act passed contemporaneously with the repeal of the charter provided for the collection of the taxes due the city, and the distribution thereof among the creditors, special equities and liens being carefully preserved. As part of that measure, it was enacted that city indebtedness should be received in payment of the general taxes due the city. This provision, utterly inadequate to settle the debt of the old city, remained the only provision to that end until 1881, when the Legislature of the State passed an act offering the creditors of the city a compromise settlement at 33 $\frac{1}{3}$ cents on the dollar. This attempt at a settlement resulted in absolute failure, the creditors, with entire unanimity, refusing to accept the terms offered. Thus the matter rested until 1883. The debt of the city, with accumulated interest, then amounted to about seven millions of dollars, notwithstanding a considerable proportion of it had been absorbed in paying the taxes due the city. The Supreme Court of the State had decided, in the case of O'Connor vs. City of Memphis, 6 Lea, 730, that the Taxing District was a municipal corporation, the successor of the City of Memphis, and liable for its debts.

The district government and the entire people of the city became thoroughly aroused to the urgent necessity of an amicable adjustment with the creditors. The entire press of the district and many prominent business men actively interested themselves in the subject. Mass-meetings were held, committees appointed on behalf of the people and the creditors, and, after many conferences, an act was drafted that was acceptable to the great body

of the creditors. The act was enacted into a law by the State—Chapter 170 of the Acts of 1883. The great bulk of the creditors accepted its provisions. To meet the views of special creditors it became necessary to amend and extend that act, which was done at the general and extra sessions of 1885.

Under these acts, the debt of the old city had been settled and funded into new compromise bonds, issued by the district. The bonded debt of the district thus created now amounts to about three million one hundred thousand dollars. Originally, it amounted, in round figures, to three million five hundred thousand dollars, the difference between the original and present amount having been retired in the payment of taxes due the old city, and through purchases of bonds, made by the Taxing District.

Thus the burden of an overwhelming municipal debt has been lightened to a bearable weight. It no longer oppresses the people, or beclouds the commercial interests of the city.

The work of completing the system of sewers, and of paving the streets has been pushed with satisfactory results. With the ordinary rate of taxation, forty-four and one-half miles of sewers have been built, twenty-three miles of streets have been paved, and thirty-six miles of sub-soil drains laid since February, 1879.

The people of the district continue to congratulate themselves upon the successful issue of municipal reform, inaugurated by the form of government adopted in 1879. The bonds of the district command a premium in financial centers. The private credit and standing of its merchants are unsurpassed. Improvements, public and private, advance on every hand. Every day the limits of prosperity widen; and the people of the city are satisfied that the one thing essential to its continued growth is to maintain the municipal government in its original integrity and purity.

INTRODUCTION TO FOURTH DIGEST.

The present Digest embraces all legislation relating to the city, and all ordinances passed and adopted down to the 6th day of October, 1892—the foot notes indicating changes since the last issue. Since the Digest of 1887 public improvements have continued to be vigorously pushed forward. About twenty-five miles of street pavement have been laid, of which 1.62 miles are laid with vitrified brick on a concrete foundation of nine inches of broken stone and cement. That character of pavement is proving eminently satisfactory. Main and Third streets are paved with granite blocks, on a like concrete foundation. The remaining streets have, in the main, been laid either of block stone, on concreting gravel foundation, or entirely of concreting gravel, with block stone gutters.

About ten miles of sewer mains have been laid, and the sewer system, begun in 1883, has been practically completed. We now have fifty miles of substantial street pavement, a sewer system, practically complete, and an attendant system of subsoil drainage. New engines have been added to the Fire Department, and new and costly engine-houses built.

All this public work has been accomplished out of the general revenues of the city, without special assessments, and without incurring a dollar of indebtedness. On the contrary, the bonded debt has been reduced, up to this date, \$624,967.54, leaving the bonded debt at this date \$3,159,058.12. No part of that debt was incurred by the present city government or its predecessor, the Taxing District. It was created by and inherited from the old city government anterior to the repeal of the charter, in 1879, and the organization of the Taxing District government. Our municipal tax rate has been reduced from \$2.35 for 1890, to \$1.85 for the current year.

Our street car system has been completely revolutionized, animal power abandoned and electricity substituted. About sixty electric motors are regularly operated, over about twenty-two miles of double track lines, all of which were taken up and relaid in the most approved and most substantial manner, with steel (Johnson) rails, when the change was made. That change was made in about one year, and at a cost of about one million dollars. We have, besides, an electric road to Raleigh, a village ten miles to the northeast, and another (the City & Suburban) to McGhee's Station, four and a half miles to the southeast, both of which penetrate to the heart of the city.

Our public water supply is furnished by the Artesian Water Company, whose entire plant has cost over one and a half million of dollars. The three pumps alone cost over \$150,000, and have an aggregate capacity of thirty million gallons daily. The average daily supply (about eight million gallons) can be furnished by either one of the pumps separately. The water is supplied by a system of deep wells, connected by tunnels with and flowing naturally into a central reservoir, from which it is delivered by the pumps. From analyses made by the best authorities in chemistry, and from several years of actual use, the water, for purity and healthfulness, is believed to be unexcelled, and the supply practically inexhaustible.

Our public schools flourish as never before. They are attended by the children of the best people of the city. With an able Superintendent, an experienced corps of teachers, and school buildings better than which can scarcely be found anywhere, the system is looked upon with pride by the whole city.

The great bridge over the Mississippi River has been begun and completed, by which Memphis and all its tributary territory is linked to the immense region to our west, penetrated by three trunk lines of railroad.

We have, in all, eleven trunk lines of railroad, giving us railroad facilities unsurpassed by any city south of the Ohio River.

The corporate name, "City of Memphis," has been restored, and we are again in name, as in fact, a municipality, having all the powers to govern and protect a territory with a population of about 75,000 people, and an assessed taxable wealth of thirty-seven million dollars.

INTRODUCTION TO FIFTH DIGEST.

The present Digest embraces all legislation relating to the city, and all ordinances passed and adopted down to and including June 1, 1898, the foot notes indicating changes since the last issue.

Since the Digest of 1892, there has been a steady progress on all lines of improvement—a brief enumeration of which may be here noted.

The enlargement and efficiency of the work in the Board of Health Department is especially noteworthy. The budget of 1898 was increased to \$100,000 to defray the expenses of this department. The result is that it has been enabled to exercise sanitary control, not only of the city proper, but to the extent of one mile beyond its limits, as authorized by the charter. The number of health inspectors has been increased from four to thirteen, including a Chief Inspector, thereby materially increasing the efficiency of the work of inspection. The city has been signally free from all contagious and infectious diseases, and, as shown by mortuary statistics, it ranks among the healthiest.

A Chemical and Bacteriological Department, with a completely equipped laboratory, in charge of an experienced scientist, has been established. This department has proven exceedingly serviceable in the prevention of the sale and use of unwholesome water, milk and unhealthy products.

An isolated and elevated site on the bluff, eligibly located, has been purchased, and an emergency hospital permanently located thereon, to be used when occasion may require for the isolation and treatment of contagious and infectious diseases. Two Dixon crematories have been constructed, wherein is burned all of the

city garbage. This method of disposing of such material is rapidly coming into favor among all of the cities—Memphis being among the first in its adoption.

A new City Hospital, at a cost of \$100,000, has been erected, modern in its construction and in all of its appointments.

The work on the sewer system has been rapidly pushed in all directions, so that now it embraces not only the city, but many miles of sewers have been extended into the populous suburbs. In the beginning of 1897 the sewer work, which had begun in 1879, had become so extensive that mains were becoming overtaxed in capacity to discharge the flow from 64.81 completed miles of sewerage, since which time sixteen and one-half miles of additional sewers have been added, thus making seventy-one and one-half miles in all, of which seven and one-half miles have been located outside of the city limits. This extensive system necessitated the building of an immense additional 36-inch main, and a 26-inch main, traversing the southern part of the city. So it is, since the publication of the last Digest, the city has vigorously and extensively pushed forward this great work of sanitation, until now no city of its size in the Union can compare with it in this regard.

Street improvements—grading and paving—have kept pace with the progress made on other lines.

Of the fifty-four miles of pavement constructed, five and three-fourths miles are of vitrified brick on concrete foundation; three and forty-five hundredths are of granite blocks on a similar foundation; one and ninety-one hundredths miles are of cedar blocks; forty-eight hundredths miles are of vitrified brick gutters with macadam roadway; ten and fifty-six hundredths miles are of limestone block on gravel foundation; fifty-five hundredths miles are of novaculite; thirty-seven hundredths miles are of macadam; eighteen and ninety-three hundredths miles are of

stone gutters and gravel roadway; eleven and sixty-two hundredths miles are graveled streets, and seventy miles are of granite curb.

Street car service has continuously increased in mileage. The transfer system has been adopted—all rails have been removed and replaced with the best grade of street rail. Its lines now embrace seventy-five miles of travel.

The Fire Department has been well equipped, and, through its efficiency, the percentage of fire loss has been remarkably low. Safety to life and property has been abundantly secured through the vigilance and activity of a judiciously appointed police force.

The public schools have not been neglected. Year by year their number and the attendance upon them have increased, until now we have fourteen handsome and commodious buildings, costing over \$300,000, with an enrollment of 7,250 scholars. A high school building has been erected within the past year, at a cost of about \$65,000. The educational advantages thus afforded are substantial and superior.

By reason of all these salutary and progressive measures, the city has grown and prospered. Her mercantile trade has all the while been extending, and now, instead of being confined to the contiguous territory of Tennessee, Arkansas and Mississippi, it embraces portions of Texas, the Indian Territory, Missouri, Kentucky, Alabama and Georgia. Her lumber market, especially of hardwood, has become recognized as the largest of all the cities—her surrounding territory affording a seemingly inexhaustible supply, in quantity and variety.

Her banking capital is adequate for the necessities of her manufacturing and mercantile interests, whilst the Clearing House statistics attest the magnitude of her commercial dealings—the past year indicating a marvelous increase over all former years.

The bank deposits during the past year show an increase of \$1,380,660 over the previous year, and were larger than that of any other Southern city, from Richmond to Galveston, New Orleans alone excepted.

The population of the city proper now numbers about 80,000, to which may be added at least 30,000 in her immediate suburbs—a considerable increase since the publication of the last Digest.

June 1, 1898.

INTRODUCTION TO SIXTH (1902) DIGEST.

This volume contains:

First—The act approved January 31, 1879, establishing the Taxing District of Shelby County, as amended by subsequent legislation enacted up to and including the session of 1901.

Second—A table of all the acts of the General Assembly, passed since 1879, relating to the City of Memphis.

Third—A Digest of all of the reported decisions of the State and Federal Courts since 1879, in cases to which the city was a party.

Fourth—The charter of the Memphis city schools and the amendments thereto.

Fifth—The general ordinances of the City of Memphis now in force.

Sixth—The ordinances passed by the Legislative Council conferring privileges upon, or providing regulations for, the public utilities of companies.

Seventh—A compilation of the more important contracts to which the city is a party.

In compiling and digesting the acts of the Legislature relating to the city, one main purpose has been kept steadily in view, namely, convenience of arrangement. All obsolete matter has been eliminated, and nothing is included but the law now in force. The language of the various enactments has been followed as closely as possible, but all dispensable words have been left out, and the subjects have been arranged under appropriate heads, and in what was thought to be logical order.

It was deemed highly important to make this Digest of our municipal laws clear and intelligible to all our citizens in order

that the laws of the city will be more generally read and better understood.

A clearer understanding of the law should conduce to a fuller observance of it.

The table of statutes and the index digest of decisions will enable the members of the bar to quickly find the law when a close and technical examination of a doubtful point is necessary.

PROCLAMATION.

WHEREAS, On the 30th day of March, 1891, the General Assembly of the State of Tennessee passed an act which was approved March 30th, 1891, entitled "An act to amend the acts of the State of Tennessee," passed January 29th, 1879, and amendatory acts thereto, repealing charters of municipal corporations, etc., and, Whereas, said act of March 30th, 1891, provides that municipal corporations whose inhabitants were over 30,000 by the Federal census of 1870, and whose charters were repealed by the act of January 29th, 1879, and whose territory and inhabitants were organized under the name and style of the Taxing District "be, and the same are hereby, changed to the names such cities or municipalities had prior to the repeal of their respective charters," and, Whereas, The Legislative Council of the Taxing District of Shelby County, under and by virtue of said act, did, by resolution of date April 9th, 1891, resolve to change the name and style of this municipality from the "Taxing District" to the "City of Memphis."

Therefore, I, W. L. Clapp, President of the City of Memphis, do, by this proclamation, give notice of said change of name, to the respective departments of the city's service, those persons employed therein, and all others whom it may concern.

In testimony whereof I have hereunto set my hand and caused the seal of the city to be affixed.

Done at Memphis, Tennessee, this April 13th, 1891.

W. L. CLAPP,

Attest:

President of the City of Memphis.

HENRY J. LYNN,

Secretary.

REPEALING ACT.

AN ACT to repeal the charters of certain municipal corporations, and to remand the territory and inhabitants thereof to the government of the State, passed January 29, 1879, approved January 31, 1879. Acts 1879, ch. 10, p. 13.

Section 1. *Be it enacted by the General Assembly of the State* Repealing various charters of City of Memphis. *of Tennessee*, That an act passed December 1, 1869, entitled, "An act to reduce the charter of the City of Memphis and the several acts amendatory thereof into one act," being Chapter 26, of the private Acts of 1869 and 1870; also Chapter 47, of the public Acts of 1873, entitled, "An act to amend the charters of all incorporated towns and cities in the State," passed March 18, 1873; also an act entitled, "An act to incorporate the town of Memphis," passed December 9, 1826; also an act entitled, "An act to extend the limits of the corporation of the town of Memphis, and for other purposes," passed October 19, 1832; also an act entitled, "An act to amend the several acts incorporating the town of Memphis," passed December 7, 1843; also an act entitled, "An act to reduce the several acts incorporating the town of Memphis into one act, and to amend the same," passed January 11, 1848; also an act entitled, "An act to incorporate into one act the several acts incorporating the City of Memphis and the town of South Memphis," passed January 6, 1846, and January 21, 1848, and "to unite the said towns into one, and extend the boundaries thereof," passed December 3, 1849; also, the sixth section of an act entitled, "An act to amend an act entitled an act to incorporate the town of Tazwell," passed January 2, 1830, passed January 28, 1852; also an act entitled, "An act to amend the charter of the City of Memphis," passed February 29, 1856; also an act entitled, "An act to amend the charter of the City

of Memphis, and for other purposes," passed February 20, 1860; also an act entitled, "An act to amend the charter of the City of Memphis," passed November 24, 1866; also an act passed in amendment of the foregoing acts; and also any other act creating into a body politic and corporate the inhabitants of a certain territory lying within the County of Shelby, by the name of the City of Memphis, the Mayor and Aldermen of Memphis, or other corporate name whatever, or acts amending the said acts of incorporation, be, and the same are hereby, each and every one of them repealed, and all offices created and held under and by virtue of any of said acts are abolished.

Offices
abolished.

All charters of
cities of 35,000
inhabitants or
over, repealed.

Sec. 2. *Be it further enacted*, That the charters and amendments thereof of all municipal corporations within the State, having a population of 35,000 inhabitants, or over, by the Federal census of 1870, be, and the same are hereby, repealed, and all municipal offices held under them are abolished.

Offices
abolished.

Charters of
municipalities,
35,000 inhabi-
tants or over,
repealed, and
offices abolished
and Governor
to declare by
proclamation
to what cities
act applies.

Sec. 3. *Be it further enacted*, That the charters and amendments thereof of all municipal corporations within this State having 35,000 inhabitants or over, at the date of the passage of this act, be, and the same are hereby, repealed, and all municipal offices held thereunder are abolished. The Governor of the State will ascertain and declare, by proclamation, to what corporations this section applies; said proclamation shall be conclusive evidence of its truth, and shall be made within ten days from the passage of this act.

Sec. 4. *Be it further enacted*, That all of the sections from Section 33 to Section 80, both inclusive, of an act entitled, "An act to regulate and organize municipal corporations of certain populations, and for the increase and diminution of their powers," Chapter 92, approved March 23, 1875, and all other acts and parts of acts in conflict with this act be, and the same are hereby, repealed; all the other sections of said Chapter 92, and especially Section 81 of said chapter, being left in full force:

and the populations within the territorial limits as now defined, and the territory of all municipal corporations heretofore governed under and by virtue of said repealed Sections 33 to 80, inclusive, are hereby resolved back into the body of the State, and all offices held under and by virtue of said repealed sections are hereby abolished; and all power of taxation in any form whatever, heretofore invested in or exercised by the authorities of said municipal corporations by virtue of any of the acts of incorporation hereinbefore recited, or otherwise, is forever withdrawn, and reserved to the Legislature; and the public buildings, squares, promenades, wharfs, streets, alleys, parks, fire engines, hose and carriages, horses and wagons, engine houses, engineer instruments, and all other property, real and personal, hitherto used by such corporations for municipal purposes, are hereby transferred to the custody and control of the State, to remain public property as it has always been, for the uses to which said property has been hitherto applied. And no person holding office under and by virtue of any of said repealed sections, or under any of the acts above recited, shall, from and after the passage of this act, exercise, or attempt to exercise, any of the powers or functions of said office.

Inhabitants resolved back into the body of the State.

Offices abolished.

Power of taxation withdrawn from them.

Public property of, transferred to State, to be used for what purposes.

No officer of extinct municipality shall exercise functions of.

Sec. 5. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.¹

¹ The constitutionality of this act is sustained by the Supreme Court—2 Lea 425.

PROCLAMATION OF THE GOVERNOR.

DECLARING TO WHAT MUNICIPAL CORPORATION THE
FOREGOING ACT IS APPLICABLE.

EXECUTIVE DEPARTMENT,
NASHVILLE, TENN., January 31, 1879.

*Albert S. Marks, Governor of Tennessee, to all who shall see
these Presents—Greeting:*

WHEREAS, An act has passed the General Assembly of the State of Tennessee, of date the 29th day of January, 1879, entitled, "An act to repeal the charter of certain municipal corporations, and to remand the territory and inhabitants thereof to the government of the State," and it is made the duty of the Governor of the State by said act to ascertain and declare by proclamation to what corporations said act applies:

Now, therefore, I, Albert S. Marks, Governor of the State of Tennessee, do hereby make proclamation that I have ascertained and do hereby declare that the provisions of said act are applicable to the City of Memphis, in the County of Shelby, alone, that being the only municipal corporation within the State having 35,000 inhabitants or over, at the date of the passage of said act.

Act applies to
Memphis alone.

In testimony whereof, I have hereunto set my hand and official signature, and have caused the great seal of the State to be affixed, at the department in Nashville, this 31st day of January, 1879.

ALBERT S. MARKS,
Governor of Tennessee.

CHAS. N. GIBBS,
Secretary of State.

I, C. N. Gibbs, Secretary of State of the State of Tennessee, do certify that the foregoing is a copy of the proclamation of the Governor, the original of which is now of record in my office.

In testimony whereof, I have hereunto subscribed my official signature; and, by order of the Governor, affixed the great seal of the State of Tennessee, at the department, in the city of Nashville, this 31st day of January, A. D., 1879.

CHAS. N. GIBBS,

Secretary of State.

ACTS OF THE LEGISLATURE OF THE
STATE OF TENNESSEE

RELATING TO THE

CITY OF MEMPHIS

BEING

CHAPTER 11, OF THE ACTS OF 1879, AND ALL
AMENDATORY ACTS THEREOF.

All sections herein not otherwise noted are from the original
Taxing District Act, passed January 31, 1879, being Chapter 11
of the Acts of 1879, and amendatory act of March 12, 1879,
Chapter 84, Acts of 1879.

CHARTER OF THE CITY OF MEMPHIS.

ACTS OF THE LEGISLATURE RELATING TO THE CITY OF MEMPHIS.

CHAPTER 1.

ARTICLE 1.

AN ACT to establish Taxing Districts in this State, and to provide the means of local government for the same, approved January 31, 1879, and acts amendatory thereof.

[Chapter 298, of the acts of 1909, commonly known as the "Commission Form of Government Act," is set out separate in compiling the various acts of the Legislature affecting the charter of the City of Memphis. This act, however, vests in "The Board of Commissioners" all the powers and the right to discharge all of the duties vested in and imposed upon the present Board of Fire and Police Commissioners, Board of Public Works, and the Legislative Council, and such other duties and powers as are therein prescribed; hence, I have made foot notes to the various sections of the Taxing District Act and amendments, as are modified or changed by said Act of 1909, as a convenient reference.—Compiler's Note.]

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several communities embraced in the territorial limits of the municipal corporations in this State as have been, or may have their charters abolished, or as may surrender the same under the provisions of this act, are hereby created Taxing Districts, in order to provide the means of local government for the peace, safety and general welfare of such districts.¹

¹ Section 1 of Chapter 11, Acts of 1879.

Sec. 2. Such Taxing Districts shall bear the name such cities or municipalities had prior to the repeal of their respective charters.²

ARTICLE 2.

TERRITORIAL LIMITS.

Boundaries.

(§ 3.) Section 1. Beginning on the line of midstream of the Mississippi River, at a point where the south line of the Speedway, as laid off immediately east of Moore avenue if extended west would intersect said midstream line, and running thence east with the south line of the said Speedway (said Speedway being known here as Kerr avenue), to the southeast corner of said Speedway and Victor avenue; thence east with the south line of said Speedway to a point where it turns north; thence north to the southeast intersection of said Speedway and Kerr avenue; thence east with the south line of Kerr avenue to the northeast corner of Calvary Cemetery; thence north to the south line of the Speedway (known here as Austin avenue); thence east with the south line of the Speedway to the southeast corner of said Speedway and Locke avenue; thence due east to the east line of Trezevant avenue; thence north to the east line of Trezevant avenue to the south line of the Speedway; thence east with the south line of the Speedway to the east line of the Speedway; thence north following the east line of said Speedway (said Speedway being known as Trezevant avenue) to the northeast corner of Trezevant and Summer avenue; thence north with the east line of Trezevant avenue to the Old Raleigh road (also known as Jackson avenue); thence west with the north line of the Old Raleigh road, or Jackson avenue, to a point where it intersects the west line of Springdale avenue; thence north with the west line of Springdale avenue to the northwest intersection

Southern limits.

Eastern limits.

² Section 2 of Chapter 229, Acts 1891. (Under this act and by resolution of Legislative Council adopted April 9, 1891, name changed to "City of Memphis.")

of the said Springdale avenue and the right of way of the Louisville & Nashville Railroad; thence west to the northeast corner of the present city limits; thence westwardly on the north line of the present city limits (being the south line of Volentine avenue) to a point where the west line of Jones avenue, if projected south, would intersect said north line of present city limits; thence north to the northwest intersection of Jones avenue and the New Raleigh road; thence west on a direct line to the southwest corner of Maple and Chestnut streets; thence west with the south line of Maple street to the southeast corner of Maple street and Thomas street; thence west on a direct line to midstream of Wolf River; thence southwardly with the meanderings of the midstream line of Wolf River and Maingault Canal to the line of midstream of the Mississippi River; thence southwardly with the meanderings of the midstream line of the Mississippi River to the point of beginning.¹

Northern
limits.

Western
limits.

ARTICLE 3.

POWERS OF THE LOCAL GOVERNMENT.

(§ 4.) Section 1. The local government established by this act shall have power to establish workhouses and houses of correction; to declare by local laws what acts shall be misdemeanors, and when committed within the city to punish the offenders by fines and forfeitures, and by imprisonment and labor within and without the workhouse in default of payment of the fines imposed as punishment; to cause the arrest of all vagrants, tramps and drunken and disorderly persons within the city, and provide for the punishment of same in the manner above provided; to prohibit, by fine, the introduction of paupers into the city by steamboats, railways and other carriers of persons; to regulate, control and suppress disorderly houses and houses of

Workhouses.

Misdemeanors.

Vagrancy.

Paupers.

Disorderly
houses.

¹ Boundaries enlarged by act February 28, 1890, and further enlarged by Acts of 1899, Chapter 134, and further enlarged by Senate Bill 342, Acts of 1909, and takes effect September 1, 1909.

Gaming houses.	ill-fame; to suppress ¹ gaming houses and to punish gaming by fine and imprisonment, and to arrest and confine for trial, or to take forfeit for the appearance at trial [of] all persons charged with offenses which are punished as misdemeanors by the laws of the State and the city. ² Said government shall have the power
Sanitary laws.	to pass all laws to preserve the health of the city, to define, prevent and remove nuisances within the city, and for a distance
Quarantine laws.	of one mile outside the same; to make quarantine laws and enforce the same within ten miles of the city, ³ to establish
Hospitals.	and regulate hospitals in accordance with the present laws of
Soap factories, slaughter pens, etc.	the State; ⁴ to prohibit the erection of soap factories or houses for curing green hides, or slaughter-pens or factories, and all houses of like character. [They shall have power to compel all owners, tenants or occupants of improved property in all in-
Construction of water closets.	stances necessary to good sanitation, to construct water closets, slop sinks, and other sanitary appliances, and to connect the same with the water and sewer mains; to confer power on said
Sanitary inspector.	municipality to appoint an inspector of all such work; provided, that whenever any tenant or occupant shall be required under
Tenants' liability and recourse on landlord.	any ordinance of the city to lay a pavement, make sewer connection, or to do any other thing of which the city has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, and reasonable attorney's fees, if the primary obligation to do the same was on the landlord, said lien to be enforced by attachment proceedings in any court of competent jurisdiction, and to date only from the commencement of such proceedings as against other lien creditors or assigns of the owner, and the tenant or occupant may, when so entitled under the general principles of

¹ By amendment, Chapter 251, Acts 1905, the words "regulate, control and" were stricken out.

² The proviso, "All necessary judicial authority is hereby vested in the President (Mayor) to try offenders," etc., repealed. See Chapter 54, Acts 1907, Section 36 to 40.

³ See Acts 1893, Chapter 151, as to diseases.

⁴ Act 1873, Chapter 16, hospital transferred to Memphis.

the law of set off, use such claim against his liability for rent]¹, and it shall be their duty to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city, which, on inspection, shall be found to be unhealthy [unsanitary, or dangerous to persons or property]², and cause the same to be abated [or removed],² unless the owners thereof, at their own expense, upon notice, shall reconstruct the same in such manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies, and other private improvements to be constructed in future, they shall have the power, and it shall be their duty, to have the same so constructed as not to interfere with the health [or safety of persons or property]² within the city. They shall have the power, and it shall be their duty, to provide that the city is, from day to day, and every day, kept in a clean and healthy condition, the yard and premises of every occupant of every dwelling, outhouse, office, store, shop, or other place of business, including the cellars and other places having unhealthy material, are cleaned, and so kept by such occupant every day at his own expense, and to prohibit by proper laws and penalties every such occupant from throwing or putting any trash or improper materials in the streets, alleys, or sidewalks, except for the purpose of removal; to require such occupant, daily, to deposit all unhealthy material in the street near by, in some suitable vessel, to be provided by the occupant at his or her own expense, to be carried off by the public carts and rendered harmless; to compel lot owners to make safe and proper sidewalks of brick, plank [stone, or granolith]³ adjoining their lots; to designate and establish fire limits, within which wooden buildings shall not be erected; to prevent the erection [maintenance or occupancy]² of buildings dangerous [to persons or property]², and to remove them when erected without their consent; to regulate the manner of building partition walls, parapet walls, and partition fences; to regulate fireworks, stove-

Abatement
of nuisances.

Building reg-
ulations.

City to be
kept clean.

Refuse mat-
ter—how dis-
posed of.

Sidewalks.

Fire limits.

Dangerous
buildings.

Partition
walls, etc.

1 In brackets Act March 23, 1889, Chapter 163.

2 In brackets Act March 23, 1889, Chapter 163.

3 In brackets Act March 28, 1887, Chapter 233.

Flues, chimneys, etc. Plumbing.	pipes and flues in all shops, kitchens and other like places; [to regulate and control plumbers and plumbing works, and to enforce efficiency of same] ¹ ; to regulate the keeping and storage
Combustible articles.	of gunpowder, coal oil, and other combustible articles, and to prevent the same from being stored within the limits of the city, or within one mile of the same ² . They shall have power
Landings and wharves.	to make, preserve and improve steamboat and flatboat landings, and all wharves within the city; to regulate the anchorage and mooring of boats and other water craft at landings in the city; and to prohibit or regulate wharfboats; to establish inspection
Inspection, weighing and gauging.	laws for the inspection, weighing and measuring of all kinds of provisions, provender and fuel for man and beast, and to provide for the gauging and inspection of all kinds of liquors and illuminating oils, but no charge shall be made for testing any measure, article or vessel for which a fee has once been paid to any officer acting under and by authority of this act, and having on said measure, article or vessel a stamp or brand of an inspection officer; to permit and regulate the laying of railroad tracks of iron, and the passage of railroad cars through
Regulation of railroad tracks.	the city, and to remove such railroad track if it obstructs travel or does not conform to the laws of the city; [to regulate, control and provide for the inspection of all steam boilers used in said municipality, including locomotive engines; to prevent the introduction of all such as are unsafe, and to appoint an
Inspection of steam boilers.	inspector of boilers, to be paid out of the salary account by the municipality;] ¹ to make all suitable and proper regulations
Regulation street car tracks and street cars.	in regard to the use of the streets for street cars, and to regulate the running of the same, so as to prevent injury or inconvenience to the public; to forbid the opening and digging up of the
Forbidding digging of streets, etc.	streets by gas or water companies to the public detriment; [to regulate gas companies and price of gas and appoint gas inspector;] ³ to regulate wells, cisterns, hydrants and fire plugs, and
Regulate gas companies, wells, cisterns, etc.	

¹ Act March 23, 1889, Chapter 163.

² The proviso that sidewalks cannot be required to be laid unless street is graded, etc., stricken out by Act of 1881, Chapter 96, Section 24, p. 116, and therefore not inserted.

³ Act March 23, 1889, Chapter 91; also Senate Bill 455, Acts 1903.

to convey water into the city from the vicinity; [to build, own and maintain waterworks;]¹ to establish and regulate markets and market-houses; [to control and regulate the sale of fresh meat, whether on foot or killed, and to appoint an inspector for that purpose;]² to make provisions for lighting streets, alleys and other public places, in front of churches, jails and other public buildings in the city, and to erect all necessary public buildings; [to purchase, build and operate electric light plant and gas plant;]³ to repair, and keep in repair, streets,³ sidewalks and other public grounds and places in the city; to open and widen streets; to change the location [of], or to close same, and to lay off new streets and alleys when necessary; to have and exercise entire control over the streets and other public property of the city, as well that within, as that without the city; [to accept of any money or property for the purpose of any public or corporate use;]⁴ [to dispose of and cancel double and illegal assessments of taxes assessed for, or in favor of, such city].⁵

Building water works.
Markets—sale of fresh meat.
Lighting streets.
Ownership of electric and gas plant.
Open, close and change streets, alleys, etc.
Accept property for public use.
Cancel double or illegal assessments.

(§ 5.) Sec. 2. Taxing Districts organized under the act of 1879, Chapter 11, are vested with the power by ordinance to regulate and control all gas and other companies furnishing light to the said district and their inhabitants by means of pipes, wires and other conductors, laid in and over the streets or sidewalks of the said districts.⁶

Control of lighting companies.

Said districts shall have power to enact, by ordinance that the gas furnished as aforesaid to said districts and their inhabitants, shall be of not less than sixteen candle power; that the same shall be as pure and free from deleterious and hurtful elements as practicable. And said districts shall have power by ordinance to regulate the rate to be charged for gas so furnished,

Regulation of quality of gas.
Regulation of price of gas.

¹ See Act March 24, 1887, Chapter 147.

² See Act March 22, 1887, Chapter 64. Also Chapter 172, Acts 1905.

³ See general act as to damages by change of grade, Act 1891, Chapter 31; Act 1893, Chapter 41.

⁴ See Act March 23, 1889, Chapter 163, Section 2.

⁵ See Act March 24, 1891, Chapter 80.

⁶ See Senate Bill 455, Acts 1903. Also Act of March 11, 1887, Chapter 91.

but shall not regulate the price below one dollar and fifty cents per one thousand feet, when paid within the customary discount days, with the right on the part of the said companies to add five per cent. thereto for non-payment within the discount days.¹

Appointment
and duty of
gas inspector.

(§ 6.) Sec. 3. The Legislative Council of said districts shall have power to appoint Gas Inspectors, whose compensation shall be fixed by the Fire and Police Commissioners, and paid out of the lighting fund. It shall be the duty of such inspectors to see that the gas so furnished is of the quality and illuminating power prescribed by the ordinance; that the gas meters furnished properly measure the gas passing through them, and generally to perform such services as may be imposed upon him by ordinance. (Acts 1887, Ch. 91.)

Power of tax-
ation.

Ownership
of water-
works.

To compel
the use of
water fur-
nished by
city or pri-
vate com-
pany.

Levy of
sewer tax.

Street com-
missioner.
Condemn
waterworks
plant.

Acquire and
maintain
parks.

(§ 7.) Sec. 4. The Legislative Council is vested with full power to levy taxes² for the support of the city; to build, purchase or acquire control of a system of waterworks for the benefit of the city and its inhabitants, and to issue bonds for this purpose, and to establish regulations for the operation and management of such waterworks system; to compel the owners and occupants of the houses in the city to take and use for sanitary purposes the water furnished by any general water system, whether such water system is owned or operated by the city, or by a private company; to levy a special sewer tax, and to provide for the payment and collection thereof; to fix the compensation, term and bond of the Street Commissioner, and prescribe his duties; to condemn the plant, franchises and property of any waterworks company, and provide means for paying therefor; to acquire, improve and maintain parks for the benefit of the public [and to issue bonds]³ to execute mortgages upon park lands and other public property to secure park bonds, and to

¹ See Senate Bill 455, Acts 1903. Also Act of March 11, 1887, Chapter 91.

² Proviso of Act of 1879, Chapter 11, Section 2, "Necessary taxes for support of government to be imposed directly by General Assembly of the State," etc., repealed. See Act April 1, 1893, Act of 1903 et al.

³ Chapter 175, Acts 1909.

establish sinking fund for the payment of said bonds; to levy a special improvement tax, and provide for the collection and use thereof; to erect statue in Forrest Park; to release taxes due for years prior to 1879.

Special im-
provement
tax.
Forrest Park
—statue in.
Release taxes
prior to 1879.

And the local government shall have power over all other affairs of the city in which the peace, safety or general welfare of the inhabitants is interested; [and the police power of said city shall extend to a distance of one mile from the corporate limits thereof, and all ordinances of said city of a general character, passed for the preservation of public peace, health and safety, and all Sunday ordinances of said city shall have full force and effect for such distance of one mile beyond the corporate limits, and the breaches of such ordinance within said distance may be punished by arrest, fine and imprisonment, as if committed within the corporate limits].¹

General po-
lice jurisdic-
tion extend-
ing one mile
beyond cor-
porate limits.

(§ 8.) Sec. 5. The local government has the power and authority to fix and regulate the scale of charges for the product of service of all district telegraph companies, gas companies, electric light and power companies, street car companies, belt line companies and switching companies;² to buy land by sale or condemnation in order to erect levees, build and equip pumping stations, dams, etc., from the overflow and backwaters of the Mississippi River and Bayou Gayoso,³ and authorizing a special tax levy for this purpose;⁴ to pass, for the government of the city, any ordinance not in conflict with the Constitution or laws of the United States or of the State of Tennessee;⁵ to determine in what cases and to what extent ordinances shall be published;⁶ to close street or alley for city purposes;⁷ to convey alleys to county in the square bounded by Adams, Second, Wash-

Regulate
charges of
public utility
corporations.

North Mem-
phis levee,
special tax.

Right to pass
ordinances.

Publication of
ordinances.

Close streets
and alleys
around Court
House.

¹ Act of March, 1887, Chapter 59, Section 3.

² Senate Bill 455, Acts 1903.

³ Chapter 556, Acts 1903.

⁴ Chapter 557, Acts 1903.

⁵ Act of 1905, Chapter 54, Section 21.

⁶ Senate Bill 455, Acts 1903.

⁷ Chapter 54, Acts 1905, Section 21. See Amendment Chapter 164, Acts 1905.

Refunding bonds to improve streets. Front foot assessment.	ington and Third streets; ¹ to issue refunding bonds; ² to improve streets under what is commonly called the front foot assessment plan; ³ to issue \$1,000,000 of bonds for the purpose of
Street improvement bonds.	improving the streets, alleys and highways of the city of Memphis, and for building sewers in said city; ⁴ to issue \$260,000 bonds
Police station bonds.	for the purpose of erecting a police station and engine-house; ⁵ to order the owner or owners of property, wherever it is necessary to have drains, ditches, or culverts opened or constructed
Drainage through private property.	through private property, to carry surface water according to the natural flow thereof, to construct proper ditches, or to lay drain pipes or culverts for the purposes aforesaid; ⁶ to levy a tax for the purpose of establishing a hospital for the treatment
Communicable Disease Hospital.	of communicable diseases; ⁷ to issue \$500,000 school bonds, in addition to bonds heretofore issued for the purpose of providing ways and means for the construction of school buildings and grounds and for improvements and repairs to school property. ⁸

ARTICLE 4.

GOVERNING AGENCIES.

(§ 9.) Section 1. In administering the affairs, and for providing the means of local government in said districts, the following agencies and governing instrumentalities are hereby established: (a)

Board of Fire and Police Commissioners. First—A Board of Fire and Police Commissioners, consisting of the Mayor, the Vice-Mayor and three⁹ other Commissioners, to be elected and qualified in manner hereinafter provided. (a)

Legislative Council. Second—A committee on ordinances or local laws, to be known as the "Legislative Council of the City," and which shall consist

1 Chapter 311, Acts 1907.

2 Chapter 246, Acts 1907.

3 Chapter 341, Acts of 1907, and Amendment Senate Bill 282, Acts 1909.

4 Chapter 587, Acts of 1909.

5 Chapter 356, Acts of 1909.

6 Chapter 480, Acts of 1909.

7 Chapter 374, Acts of 1909.

8 Chapter 238, Acts of 1909.

9 Amendment (increasing Board to five members) passed February 3, 1905, Chapter 54.

a Chapter 298, Acts 1909, provides for five Commissioners to exercise all the powers imposed upon the Fire and Police Commissioners and Board of Public Works. See Section 3.

of the Commissioners of the Fire and Police Board and the Supervisors of the Board of Public Works. (a)

Third—A Board of Health, to consist of the Chief of Police, ^{Board of Health.} a health officer and one physician, who shall be *ex-officio* President of the Board.

Fourth—A Board of Public Works, to consist of ten¹ Super- ^{Board of Public Works.} visors of Public Works.¹ (a)

ARTICLE 5.

LEGISLATIVE DEPARTMENT.

OFFICERS, ELECTION, QUALIFICATION, BONDS, OFFICIAL TERMS, REMOVAL, VACANCIES, POWERS, DUTIES, ETC.

(§ 10.) Section 1. The Legislative Department of the City of Memphis shall consist of two separate and distinct Boards (the Board of Fire and Police Commissioners consisting of five members, and the Board of Public Works consisting of ten members) of equal law-making power, which shall sit separately, known as and called the Legislative Council, as herein provided.² ^{Legislative Council.} No person shall be eligible to a seat in either Board of the Legislative Council who has not resided five years in the City of Memphis, next preceding his election, or who is not a citizen of the United States, or who holds any office or agency under the City of Memphis, County of Shelby, or State of Tennessee, and shall be a freeholder and not in arrears for taxes.² (Ch. 54, Acts 1905, Sec. 16.)

(§ 11.) Sec. 2. *Be it further enacted*, That the next regular ^{Election.} election by the people to fill municipal offices shall take place

^a Chapter 298, Acts 1909, provides for five Commissioners to exercise all the powers imposed upon the Fire and Police Commissioners and Board of Public Works. See Section 3.

¹ Amendment (increasing Board to ten members) passed, Chapter 54, Acts 1905.

² Chapter 298, Acts 1909 (take effect January 1, 1910) provides for "Board of Commissioners," to consist of five members, one of whom shall be the Mayor, who are delegated all the powers vested in the Legislative Council. See Sections 1 to 3.

on the first Thursday after the first Monday in November, 1905, and biannually thereafter at the corresponding time for the same purpose. At the next regular municipal election, on the first Thursday after the first Monday in November, 1905, as hereinafter provided, a Mayor and three members of the Fire and Police Commissioners, and six members of the Board of Public Works shall be elected, for a term of four years, and until their successors have been elected and qualified by the qualified voters of the city, and such newly elected officials shall be sworn into office on the first Monday following the first Thursday after their election,² and one Fire and Police Commissioner and four members of the Board of Public Works shall be elected on the first Thursday after the first Monday in November, 1907, to serve terms of four years each. Their successors shall likewise be elected to serve terms of four years each. (Ch. 11, Acts 1879, and Ch. 95, Acts 1893, as amended by Secs. 6 and 64, Ch. 54, Acts 1905.)

Voters—
qualifica-
tions of.

(§ 12.) Sec. 3. In all municipal elections held in said city the voters thereat must have all the qualifications necessary to entitle them, respectively, to vote for members of the General Assembly of the State of Tennessee; and, in addition thereto, must have resided for six months next preceding the date of such election in said city.

Proof of pay-
ment of poll
tax, or other
tax, or other
requirement
of law—how
shown.

All general provisions of law now in force, or hereafter to be enacted, touching the manner in which the fact of payment of poll tax, as provided, shall be evidence to the judges and officers holding said elections, imposing penalties for the violation of the laws, requiring the payment of poll tax as a prerequisite to the right to vote, and in other respects regulating the subject

² Section 2 of Chapter 298, Acts 1909 (hereinafter set out) creates Board of Fire Commissioners. The first Board to consist of four members of present Council, whose terms expire in November, 1911 (extended December 31, 1911) and a Mayor to be elected on the first Thursday after the first Monday, for same period. Thereafter all members to be elected for a term of four years.

aforesaid so far as applicable and appropriate, shall be applicable to all municipal elections held in said city.¹

(§ 13.) Sec. 4. No person shall be elected or appointed a member of the Board of Fire and Police Commissioners, or a member of the Board of Public Works, unless he shall have been a resident voter and taxpayer of the city for not less than five years preceding his election, or appointment, or unless he shall have resided during the five years preceding his election or appointment in territory that has been annexed to, and at the time of such election or appointment, forms a part of, the city, but it shall not be necessary for the territory in which such person resides to have been annexed for five years. Nothing herein contained shall render any person ineligible to the office of Fire and Police Commissioner of the city who has resided for five years preceding his election or appointment in any territory that has at any time been annexed to the city, whether such annexation has been repealed or is held invalid or in force, and who possesses all the other qualifications required by law; it being intended that any person otherwise qualified may be elected Fire and Police Commissioner who has resided for five years preceding his election or appointment in the city, or in territory that is, or at any time has been, annexed thereto. (Sec. 5, Ch. 11, Acts 1879, as amended by Ch. 74, Acts 1893, and Ch. 54, Acts 1905.)

Qualifications of members of Bd. of Fire & Police Commissioners and Board of Public Works.

(§ 14.) Sec. 5. It shall be a felony for any member of the Legislative Council to become interested, directly or indirectly, nearly or remotely, in any contract of any kind made in behalf of the city, and upon conviction, the guilty party shall suffer imprisonment in the State penitentiary, at hard labor, for not less than five nor more than ten years, and shall be forever rendered infamous and ineligible to any office of honor or profit in this State. (Sec. 7, Ch. 11, Acts 1879, as amended. See Ch. 95, Acts 1903.)

Felony for member of Council to become interested in contract on behalf of city.

¹ Section 3 passed March 17, 1897.

Who eligi-
ble to
member-
ship.

(§ 15.) Sec. 6. No person can become a member of either Board of the Legislative Council who is interested, directly or indirectly, nearly or remotely, in any contract with the City of Memphis, or who holds an office of trust or salary in any corporation which holds any contract with the city, the terms, rates or prices whereof are subject to modification or enforcement by said Legislative Council; and no collector or keeper of any money for the city shall be eligible to a seat in either Board until he has settled with the city and obtained a discharge in full. Nor shall any member of the Legislative Council take any interest whatever, in any form, manner or shape, whether directly or indirectly, in any contract with the City of Memphis, or be the beneficiary of any contract, either in labor or work, or for goods or supplies of any kind furnished. If, after election, any member of said Council shall remove outside of the city, or become a candidate for or accept any office or agency, the holding of which would render him ineligible, or should become interested, directly or indirectly, in any contract with said city, his seat shall thereby be vacated, and the vacancy shall be supplied as hereinafter directed, and such contract shall be null and void. Should any member of the Legislative Council be a stockholder in any corporation, he shall not vote on any question, directly or indirectly, affecting any contract with the corporation in which he is a stockholder.¹ (Ch. 54, Acts 1905, Sec. 17.)

Seat vacated
—when.

Each Board
judge of
election
and qual-
ification of
members.

(§ 16.) Sec. 7. Each Board shall be the judge of the qualifications, election and returns of its members, and shall prescribe rules for the determination of contested elections. Each Board may determine the rules for its procedure, and may prescribe the punishment of its members for non-attendance or disorderly conduct, and shall have power to enforce the same; two-thirds of its members concurring may expel a member for improper

¹ The qualifications of the Board of Commissioners are the same as now required by law; provided, no person shall be ineligible to the office of Mayor because of having heretofore held said office.

conduct while in office. It shall require a majority of the members of each Board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day and can adopt such measures as are necessary to compel the attendance of absent members. (Ch. 54, Acts 1905, Sec. 18.)

(§ 17.) Sec. 8. Each of the said Boards composing the Leg-^{Qualification}islative Council shall meet on the first Thursday after the first ^{of members.} Monday following their election and be qualified, and enter upon the discharge of their duties. The Chairman of the Board of Public Works shall serve for a term of one year, and shall receive no compensation as such Chairman except his salary as a member of the Board.

He shall be entitled to a vote on all questions coming before the Board, and in his absence a *pro tem.* Chairman for that meeting shall be chosen from the members thereof present. All vacancies in either Board shall be filled by the Board for the ^{Vacancies in} unexpired term, but no action in such matters shall be taken ^{Council—how} filled. except at a regular meeting.¹ (Ch. 54, Acts 1905, Sec. 19.)

(§ 18.) Sec. 9. The time of the meeting for said two Boards ^{Regular} shall be on the first Thursday after the first Monday of each ^{meeting.} month, at such place and hour as may be designated by ordinance. Whenever such places of meeting shall be fixed and adopted by said Boards they shall not be changed except by an ordinance passed by the two-thirds vote of each Board at a regular meeting. Special meetings of the Legislative Council may be held at any time upon the call of the Mayor, or the call, regularly signed, by the majority of the members of each Board. Members of the Legislative Council shall be exempt from jury or military service.² (Ch. 54, Acts 1905, Sec. 20.)

¹ Board of Public Works abolished by Act of 1909, Section 4, Chapter 298.

² Regular meetings of Board of Commissioners every Tuesday at 2:30 o'clock p. m., and such special meetings as may be called. See Section 19, Acts 1909, Chapter 298.

(§ 19.) Sec. 10. The Legislative Council shall have power to pass, for the government of the city, any ordinance not in conflict with the Constitution or laws of the United States or of the State of Tennessee; *Provided*, however, that no ordinance shall be valid unless it shall have been read in full and passed on two³ separate readings before each Board on different days, by a vote of a majority of the members thereof, after an opportunity for free discussion thereof. No ordinance shall be valid if passed on final reading by both Boards on the same day, or if it shall embrace more than one subject, that subject to be expressed in its title. All ordinances shall be published as now required by law.

Powers of
Council.

But the Legislative Council shall have no power to close a street or alley except for city purposes. [*Provided*, however, that when a railroad terminal corporation shall have been formed for the purpose of erecting and operating in the City of Memphis, an Union Passenger Station for the use of railroads entering said city, and shall, in good faith, undertake the erection of such a station, then the Legislative Council shall have power to close and convey to said terminal corporation such streets and alleys as it may be necessary to close in order to provide a site for said station, and the sheds, tracks, yards, round-houses, machine shops, switches, crossovers, turnouts, and other terminal facilities, appurtenances and accommodations suitable in size and location to the prompt and efficient receiving and transferring of passengers and baggage of the railroads using said station; and, provided further, that owners of property abutting on streets and alleys which are closed for the purpose aforesaid shall receive just compensation for any damages to their property caused by the closing of said streets and alleys.]¹

Fines, etc.

(§ 20.) Sec. 11. The Legislative Council shall have the power by ordinance to impose fines not exceeding fifty dollars for the

³ Under the commission form of government ordinances must be passed at three regular meetings; must be published day preceding each meeting and for one week after final passage. See Section 44, also Section 40, Chapter 298, Acts 1909.

¹ The paragraph in brackets amendment passed April 3, 1905, Chapter 164, Acts 1905. Balance of section Acts of 1905, Chapter 54.

violation of any ordinance. All ordinances now in force and not in conflict with this act are continued in force, but the Legislative Council shall have power to amend or repeal any of them by ordinance. (Ch. 54, Acts 1905, Sec. 22.)

(§ 21.) Sec. 12. The members of the Legislative Council shall receive as compensation¹ for their services the sum of Compensation of Council. ten dollars for each regular, special or call meeting they attend, upon certificates of attendance signed by the Register, and they shall fix the manner of transacting and conducting the business of one Board with another, and the manner of transmitting matters of business from one Board to another, and to the Mayor and other city officers. One Board shall not adjourn for a longer time than twenty-four hours without the consent of the other after they meet in regular session, and both Boards shall have their meeting at the same time. (Ch. 54, Acts 1905, Sec. 22.)

(§ 22.) Sec. 13. When any ordinance or joint resolution shall have passed its second reading in either Board, it shall be transmitted by the Register to the other Board in open session, with the official indorsement of the fact of such passage by the Chairman of the Board in which it originated. If said other Board shall pass such resolution or ordinance without amendment on two readings, the Chairman thereof shall immediately sign it and cause it to be returned to the Board in which it originated, whereupon, being returned in open session, it shall immediately be signed by the Chairman thereof. It shall thereupon be delivered to the Register, whose duty is to copy it, together with the signatures of the Chairman of both Boards, in a book to be kept for that purpose, and then, after it shall have been compared and found correct by the Committee on Enrolled Bills of both Boards, to transmit it to the Mayor, noting on it the day of delivery to the Mayor. But if, after passing one Board, such Passage of ordinances.

¹ Compensation of Commissioners under the commission form of government: Mayor \$6,000 and other members \$3,000 per annum, payable monthly. See Section 7, Chapter 298, Acts 1909.

resolution or ordinance shall be amended and then passed in the other, the ordinance or resolution so amended and passed shall be transmitted to the Register, with the official indorsement of the Chairman of said Board of the fact of such amendment, to the Board in which it originated for concurrence. If said latter Board shall concur in the amendment, resolution or ordinance, it shall be signed, copied and transmitted to the Mayor, as above provided. If, however, said Board shall refuse to concur in the amendments, or any of them, the Chairman of each Board shall immediately appoint a Conference Committee, and when such committee shall make a report, and the same shall be adopted by both Boards, the Register shall make a copy of the resolutions or ordinances as amended or adopted, and the same, after having been compared and found correct by the Committee on Enrolled Bills of each Board, shall be signed, copied and transmitted to the Mayor, as above provided. The signing of all ordinances and resolutions by the Chairman of either Board shall be done in open session, and the fact noted on the minutes. When a resolution or ordinance shall have been approved or disapproved, it shall be announced in open session of the Board in which the measure originated and noted on the minutes. The fact and date of such approval or disapproval shall also be entered by the Register in the book in which such resolution or ordinance shall have been recorded, as hereinbefore provided. The resolution or ordinance, signed by the Chairman of the Board of Public Works and the Mayor, and countersigned by the Register and Mayor, shall be kept by the Register as a part of the record of his office.¹ (Ch. 54, Acts 1905, Sec. 24.)

Disburse-
ments—
how made.

(§ 23.) Sec. 14. The Legislative Council shall elect all city officers whose election is not otherwise herein provided for.² (Ch. 54, Acts 1905, Sec. 26.)

¹ For passage of ordinances under commission form of government see Chapter 298, Acts 1909, Sections 40 and 44.

² Election of officers under commission government, their term, salary, etc. See Chapter 298, Acts 1909, Section 9.

(§ 24.) Sec. 15. The Legislative Council shall have no power through any committees or otherwise to superintend, control or direct the expenditure of funds appropriated by it for any purpose whatever, or to approve warrants for the paying out of the same. Whenever an appropriation shall be made for any purpose not coming strictly under the control of any particular office or board in the Executive Department of the government, the ordinance making the appropriation shall direct under whose control it shall be expended; *Provided*, that in every case such expenditure shall be made under the direction of the Mayor, or the Fire and Police Commission, or as the Legislative Council shall deem best. But no contract amounting to over \$500.00 shall be awarded or let until after proper advertisement. (a)
(Ch. 54, Acts 1905, Sec. 26.)

(§ 25.) Sec. 16. In fixing the annual tax rate the ordinance shall designate what proportion of the total rate is levied for the Police Department, for the Fire Department, for streets, for sewers, for school purposes, for lights, for official salaries, for judgments and costs, for interest and sinking fund, for claims, for health and hospitals, for rent, for water for public buildings, for the Park Commission, for general and miscellaneous purposes, and for any other specific purpose for which a tax may be lawfully levied for the ensuing year. And the annual appropriation ordinance shall apportion the tax to be derived therefrom accordingly. It shall not be obligatory upon the Legislative Council to make a levy and appropriation for all the purposes above enumerated, but only for such thereof as may be necessary, in its judgment. It shall not be lawful to use any funds appropriated to one purpose for any other, unless the same shall have been previously directed by ordinance.

Tax rates—
purposes
to be des-
ignated.

In making appropriations for the various departments, the Legislative Council shall not be bound by the estimate submitted

^a For disbursements under commission government see Chapter 298, Acts 1909, Sections 37, 38 and 39.

by the officer or Board in charge of such department, but shall appropriate only so much as they shall deem necessary. (b)

It shall not be lawful to expend in any year a greater amount in any department than shall have been appropriated for that department. (c) (Ch. 54, Acts 1905, Sec. 27.)

Franchises.

(§ 26.) Sec. 17. The Legislative Council shall have charge and control of the giving, granting and selling of all franchises, special privileges to individuals, firms or corporations, and no such franchise or privilege shall be bestowed or sold except by a two-thirds vote of the members of each Board of the Legislative Council, nor for any period of time exceeding thirty years, and the approval of the Mayor. (d)

[*Provided*, however, that nothing in this section, limiting the time for which a franchise may be granted, shall apply to any franchise which may be granted to a railroad terminal corporation organized for the purpose of constructing and operating an union passenger station within said city.]² (Ch. 54, Acts 1905, Sec. 28.)

Franchises.

(§ 27.) Sec. 18. No franchise shall be granted or sold to any commercial railroad, street railroad, gas company, electric light company, water company, or other quasi-public corporation, except by ordinance fully guarding and protecting the rights of the public. Nor shall such ordinance become effective until it is first submitted to and approved by a majority of the citizens voting either at some general or special election upon the question; *Provided* such submission be demanded by petition of at least five hundred freeholders of the city and presented to the Legislative Council before the passage of said ordinance, or within thirty days thereafter; *provided further*, that no such

^b For tax rate and budget under commission government see Chapter 298, Acts 1909, Sections 45, 46 and 47.

^c Repealed. See Chapter 298, Section 45, Acts of April 24, 1909.

^d Granting of franchises. See Acts 1909, Section 40, Chapter 298.

² Paragraph in brackets passed April 3, 1905, Chapter 164, Acts of 1905.

ordinance shall become effective until thirty days after it has passed both Boards and been signed by the Mayor; and, *provided further*, that no second election for the same purpose shall be held within twelve months from the first election; and, *provided further*, that no such contract shall be made by ordinance or become effective until signed by a majority of the members of each Board.

[*Provided*, however, that it shall not be necessary to submit to a vote of the people any franchise granted to a railroad terminal corporation organized for the purpose of erecting and operating within the City of Memphis an union passenger station, and that so much of said Section 29 as is contained in the second sentence thereof, beginning "Nor shall such ordinance become effective," etc., and running through to the end of the section, "shall not apply to any franchise granted to a railroad terminal corporation organized for the purpose aforesiad."]¹ (Ch. 54, Acts 1905, Sec. 29.)

(Respecting the powers and duties of the Council in the matter ^{Contracts.} of advertising for, opening bids, and awarding contracts, see post Article 6, "Fire and Police Commissioners" and under the sub-head "Contracts.")

(§ 28.) Sec. 19. The Legislative Council shall elect by a majority vote once each year, at such times as they may deem ^{Examination of accounts of departments.} best, not more than three persons, who are competent, reliable, expert bookkeepers, apt accountants, or some bonded credit company, who shall make a full examination, without notice, of all the books, accounts and financial dealings and affairs of any and all the officers of the city government and Board thereof, and also of the money, securities and property belonging to the city, or in possession or charge of any officer of the Board. (a) (Ch. 54, Acts 1905, Sec. 30.)

¹ Paragraph in brackets amendment of April 3, 1905, Chapter 164.

^a Under commission government Chapter 298, Acts 1909, Section 14, provides for Department of Accounts, Finance, Revenue, etc.

Officers not to contract or purchase material from relatives.

(§ 29.) Sec. 20. No officer, agent or employe of the city government shall pass upon, supervise or control any work for the city, or purchase or contract for any kind of material for the city, with a person or persons who are related by blood or marriage within the sixth degree, as computed by common law. (Ch. 54, Acts 1905, Sec. 31.)

Power to remove members and causes of removal.

(§ 30.) Sec. 21. The Legislative Council shall have power to remove either of said Commissioners, or either member of the Board of Public Works, for malfeasance or misfeasance in office, or habitual drunkenness, or grossly immoral conduct. In case of permanent physical or mental incapacity to serve, or removal from the city without the consent of the Legislative Council, the said Legislative Council shall declare said office vacant. (a) [Two-thirds of all the members concurring may expel a member for improper conduct while in office.]¹

Appropriation of delinquent taxes.

(§ 31.) Sec. 22. The Legislative Council is authorized to appropriate all delinquent taxes (except school, interest and sinking fund taxes), against which no demands are outstanding, and the purposes of which have been fulfilled and satisfied, to any proper corporate purposes; said Legislative Council may, at the end of each calendar year thereafter, declare all such delinquent taxes, with the exception aforesaid, a surplus fund, and direct that the same, as collected, be carried in bulk into the surplus account, subject to appropriation by said Legislative Council, to pay any proper claim against the municipality, or for any other municipal purpose.²

(§ 32.) Sec. 23. Whenever the improvements on real property, or whenever personal property in the City of Memphis shall

^a Under Senate Bill 63, Section 1, Acts 1909 (known as the Recall Bill), the holder of any elective office may be removed by vote of majority of qualified electors, etc. (Act set out in full hereinafter.)

¹ In brackets, Chapter 54, Acts 1905; balance Chapter 11, Acts 1879, as amended by Chapter 163, Acts of 1889.

² Amendment Chapter 224, Acts 1897.

be assessed for taxes, and shall after such assessment, and before the 15th of January of the next succeeding year, be destroyed wholly or partially by fire, or otherwise, the Legislative Council of said city shall have power to reduce the assessment to the actual value of the property on said 15th day of January, the whole value of the property to be taken as conclusively determined by the last preceding assessment, and the reduction to be of such proportion thereof as may have been destroyed by the fire, or otherwise. All laws and parts of laws, and especially Section 3, Chapter 84, of the Acts of 1879, insofar as the same conflict herewith, be and the same are hereby repealed.¹

Reduction of
assessment
when im-
provements
destroyed be-
fore Jan. 15.

(§ 33.) Sec. 24. The Legislative Council of the City of Memphis is hereby authorized and empowered to cause an accurate census of said city to be taken by a competent and reliable party, with such assistance as may, in the judgment of the said Council, be required, who shall first take and subscribe to an oath to faithfully and honestly discharge the duties to which they may be assigned under this act. The form of said oath and detailed regulations for taking said census to be prescribed by ordinance of said city. That after the census returns shall be received, examined and approved by the Legislative Council, it shall be the duty of the Secretary of said Council to send to the Secretary of State a certificate under the official seal of said city, showing the number of inhabitants of the said city of Memphis, made under authority of this act. That the expense of taking such census be paid by the City of Memphis, and when the same shall be certified as aforesaid, to the Secretary of State, it shall be recognized as the official State census of said city until a new census of said city shall be taken by or under the authority of the State government.

(§ 34.) Sec. 25. The Legislative Council of such Taxing District is hereby vested with power and authority to fix and

¹ Amendment Chapter 274, Acts 1897.

Regulate charges of telegraph, gas, electric light and power street car, Belt Line, switching charges, etc.

regulate from time to time, within reasonable limits, the scale of charges for the product or service of all district telegraph companies, gas companies, electric light and power companies, street car companies, belt line companies, switching companies, now or hereafter enjoying or operating any rights or privileges to use or occupy any of the streets, alleys or public grounds within the territory of such Taxing Districts. (Senate Bill 455, Acts 1903.)

Publication of ordinances.

(§ 35.) Sec. 26. That the Legislative Council of such Taxing District be, and the same is hereby, empowered and authorized to determine in what cases, and to what extent, any of the ordinances passed by said Council shall be published, provided that all of said ordinances are published at least once, soon after the passage of the same. (a) (Senate Bill 455, Acts 1903.)

City Engineer.

(§ 36.) Sec. 27. The Legislative Council shall elect a City Engineer at a salary not in excess of \$3,600 a year, which shall be paid in monthly installments by the city. (Ch. 54, Acts 1905.)¹

Lands on river front.

(§ 37.) Sec. 28. The Legislative Council shall have no right or power to grant, lease or sell any lands on the river front between the low water line and a line extending along the east line of Front street on the east from the northern limits of the city on the north to the southern limits of the city on the south. (Ch. 54, Acts 1905.)

ARTICLE 6.

FIRE AND POLICE COMMISSIONERS.

Fire and Police Commissioners, qualifications, and term of office.

(§ 38.) Section 1. The Board of Fire and Police Commissioners shall consist of five² Commissioners, who shall be at least thirty years of age, residents of the county at least five years before their appointment and election, and taxpayers of the city.

^a Under commission government ordinances must be published the day preceding each passage, and daily for at least one week afterwards. See Section 44, Chapter 298, Acts 1909, hereinafter set out.

¹ This section is an amendment to Chapter 103, Acts 1893.

² Amendment, Chapter 54, Acts 1905, Section 1.

They shall hold their office for a term of four years.¹ The Mayor and Vice-Mayor to be Commissioners and members of said Board. [The Mayor shall be Chairman *ex officio* of the said Board. All the powers and duties now conferred by law upon the Mayor, Fire and Police Commissioners are hereby devolved upon the Fire and Police Commission, except as otherwise provided in this act, and, in addition, said Board shall exercise all the powers and discharge all the duties conferred by this act.]² (Sec. 5 of Ch. 11, Acts 1879, as amended.)

(§ 39) Sec. 2. Each of the Commissioners shall receive a Compensation. salary of \$500³ per annum. After the expiration of the term of the Board of Commissioners first elected, their successors shall be elected by the qualified voters of the city. Election of.

All vacancies in the Board shall be filled by the Board for the unexpired term, but no action in such matters shall be taken except at a regular meeting.⁴ (Ch. 54, Acts 1905, Sec. 19.) Vacancies—how filled.

Said Commissioners shall establish rules for their own government, and shall hold stated meetings for the transaction of business.⁵ Meetings.

(§ 40.) Sec. 3. Each member of said Board of Fire and Police Commissioners shall give bond in the sum of twenty thousand dollars for the faithful discharge of his duty, and he shall not be, when appointed, or elected, in arrears for any taxes; each Commissioner, before entering upon his duty, shall take an oath that he is not under any direct, or indirect, obligation to appoint any person to office of policeman or fireman, or other employes; that he will faithfully discharge the duties of the office.⁵ Must not be in arrears for taxes. Oath.

¹ For other qualifications see Article 5 (Section 17), ante.

² In brackets, Chapter 54, Acts 1905, Section 44.

³ Also receive \$10 per meeting attended of Legislative Council. See Walsh vs. City of Memphis, memo. opinion April Term, 1908; also Article 6 (Section 21) ante.

⁴ For filling vacancies under commission government, see Section 18, Chapter 298, Acts 1909, hereinafter set out.

⁵ Section 5 of Chapter 11, Acts 1879, as amended by Chapter 95, Acts 1893, and Chapter 79, Acts 1891.

Shall issue no evidence of indebtedness.

Tax levy of one year not liable for indebtedness of previous year.

Public property not subject to execution.

Taxes not to be levied by compulsory legal process.

Refunding of money wrongfully paid, how audited and out of what fund paid.

(§ 41.) Sec. 4. Said Commissioners shall not issue any bonds, notes, scrip or other evidence of indebtedness, and shall in no event contract for work, or material or services, in excess of the amount of tax levied for such work, material, or service for that year; the parties contracting with said Commissioners for work, material, or services shall look alone to the tax for that year, or to the fund specifically contracted against, and no subsequent tax shall be levied to meet the deficit; and no property, real or personal, held by said Commissioners for public use shall ever be subject to execution or attachment, or seizure, under any legal process, for any debt created by said Commissioners, and all taxes due, or moneys in the hands of the County Trustee, or on deposit, shall be exempt from seizure under attachment, execution, garnishment, or other legal process; nor shall said Commissioners or the County Trustee be liable to garnishment; and no writ of mandamus or other legal process shall lie to compel them to levy any taxes. (Ch. 11, Acts 1879, Sec. 12, as amended.)

(§ 42.) Sec. 5. The Fire and Police Commissioners, or a majority thereof, upon undoubted proof to be filed and established, may audit the claim, and, at their option, reimburse or pay any person or citizen who may have erroneously or wrongfully paid money into the City Treasury, from any cause whatever; and where money is or was due, but withheld owing to dispute, or to any uncertainty as to the justice of the demand or claim of same, they may return or pay it to the proper persons, the action of said Fire and Police Commissioners, or a majority thereof, in the premises, to be a final adjudication in the matter. The said reimbursements or payments shall be paid out of the current fund of the department which may have received the benefit of such payment or claim, or out of any unappropriated moneys that may be in the City Treasury: pro-

vided said application shall be made within two years after the right to make such claim shall exist. (Ch. 163, Acts 1889.)

(§ 43.) Sec. 6. In addition to the other duties prescribed for the Police and Fire Commissioners, they shall exercise supervision over the paving and repairs of the streets, the construction of drains and sewers, and other sanitary works, bridges, wharves and lighting of the city [and for this purpose a competent civil engineer shall be employed by the Mayor, at a salary not exceeding \$4,000 per annum, and shall have the power to enter into all necessary contracts for all of said works, subject to the limitation and restriction herein set forth.]¹ (Sec. 6, Ch. 11, Acts 1879, as amended by Ch. 82, Acts 1891, and Ch. 54, Acts 1905.)

Paving,
drainage,
sanitary
work, etc.

Engineer to
be employed
by Mayor.

(§ 44.) Sec. 7. Before any contract can be let or become effective when made by the Police and Fire Commissioners, it shall be submitted to and approved by a large majority of the votes of the members of such Board composing the Legislative Council, and the members so approving said contract shall sign their names thereto, and the same shall be copied and signed in the minutes of the proceedings of the Legislative Council.²

CONTRACTS.

(§ 45.) Sec. 8. The Fire and Police Commissioners shall, in every case, before entering into any contract for any purpose, advertise daily for one week or more, for such proposals for the work to be done, materials to be furnished, or service to be performed, and shall open all the bids on the day named in the advertisement, in the presence of a quorum of not less than five of the members of the Board of Public Works, and shall enter such bids with names of the bidders, in a book to be kept for that purpose, which book shall at all times be opened to the inspection of the taxpayers, and every bid shall remain at least

Contracts.

How advertised for.

Bids to be opened—how.

¹ Engineer to be elected by Legislative Council, salary not exceeding \$3,600. See Chapter 54, Acts 1905, Section 34.

² Section —, Acts of 1905, Chapter 54, Section 32.

Award of
contracts—
how made.

one week open for canvass and discussion after the opening, before any contract shall be awarded upon it; and after that time the award shall be made, if at all, to the lowest responsible bidder, who shall, in all cases, be required to give ample bond and security for its performance, the bond and security to be approved by the Supervisors of the Public Works and Fire and Police Commissioners, who sign the contract. (Sec 7, Ch. 11, Acts 1879.)

No contract
without as-
sent of ma-
jority of each
Board.

(§ 46.) Sec. 9. Before any contract can be let or become effective when made by the Police and Fire Commissioners, it shall be submitted to and approved by a large majority of the votes of the members of such Board composing the Legislative Council, and the members so approving said contract shall sign their names thereto, and the same shall be copied and signed in the minutes of the proceedings of the Legislative Council.¹

Must be in
writing and
recorded.

(§ 47.) Sec. 10. But no contract shall be made which does not receive the assent of a majority of said Fire and Police Commissioners, and a majority of the members of the Board of Public Works; and all contracts of every description shall be in writing, and shall be signed by the Commissioners assenting thereto, and approved in writing by all members of the said Board assenting thereto, and shall be signed as well by the other contracting party, and shall be recorded in full in a well-bound book, open to the inspection of taxpayers at all times.²

Written esti-
mate in all
cases involv-
ing expendi-
ture of more
than \$300 be-
fore adver-
tising.

(§ 48.) Sec. 11. The Fire and Police Commissioners shall, in every case [involving an expenditure of over three hundred dollars], before advertising for proposals, submit to the said Board a statement in writing, with estimate of cost of the said work to be done, material to be furnished, or service to be rendered; and, unless same receive the written sanction of at least

¹ Chapter 54, Acts 1905, Section 32.

² Section 7, Chapter 11, Acts 1879.

four members of the Board, it shall not be advertised nor undertaken—said written sanction to be indorsed on the statement and estimate made by said Commissioners, and to keep on file in their offices.²

(§ 49.) Sec. 12. The Fire and Police Commissioners may, by and with the consent of the Board of Public Works, specifically contract against any fund which the Legislative Council has power to appropriate to the purposes of such contract.³

Contract may be made against fund—how.

(§ 50.) Sec. 13. The Fire and Police Commissioners shall appoint a Chief of Police and Chief of Fire Department, who shall hold their offices for the period of one year, and until their successors are elected and qualified, and each of whom shall be paid a salary not to exceed \$2,400.00 per annum, to be fixed by the Legislative Council before appointment, and to be paid monthly by the city. (a) (Ch. 54, Acts 1905.)

Chiefs of Police and Fire Departments.

(§ 51.) Sec. 14. All subordinate officers and members of the Fire and Police Departments shall be selected by the Fire and Police Commissioners; but power is hereby vested in the Legislative Council, and it is made its duty to adopt a system of civil service (b) rules, by which such subordinate officers and members of said departments shall be selected and retained, in accordance with said rules and regulations, which rules and regulations shall also be for the better government of said departments, for the classification of their employes, for the introduction and observance of the merit system in the selection, rejection and promotion, prescribing rules of conduct and discipline for their greater efficiency. Any unlawful interference or exhibition of partisanship upon the part of the members of these departments in any kind of an election shall be positively

Subordinate officers—civil service.

² Section 7, Chapter 11, Acts 1879. Clause in brackets added by Chapter 96, Acts 1881, Section 4, and \$300 substituted for \$100 by Chapter 163, Acts 1889.

³ Chapter 163, Acts of 1889, Section 4.

^a For election of officers, salary, etc., under commission government, see Acts 1909, Sections 9 and 21, Chapter 298.

^b Chapter 298, Acts 1909, Section 26, provides for civil service commission and civil service rules, etc.

forbidden under the penalty of dismissal, but they shall be permitted and encouraged personally to exercise the elective franchise as good citizens. (Ch. 54, Acts 1905.)

Classes of
police and
firemen.

(§ 52.) Sec. 15. Said Board or Commission shall, within sixty days after assuming the duties of their office, divide the police and firemen of the city into two classes, to be designated as first and second classes. The first class shall be composed of one-half of the members of said policemen and firemen, respectively, and shall be selected by the Fire and Police Commission from the whole number, giving preference to length of time of service, competency, integrity, and fitness for the service and faithfulness to duty. The second class shall be composed of the remainder of said policemen and firemen, who shall also be chosen on account of their qualification and fitness for service. The first class shall be paid eighty-five (\$85.00) dollars per month; the second class shall be paid seventy-five (\$75.00) dollars per month; *Provided*, also, that if by resignation or otherwise, a vacancy in the first class occurs, or more men are needed in that class, then such vacancy shall be filled by some one from the second class; *Provided*, also, that where new members of said departments are necessary, and have to be appointed, such members shall be selected to serve first in the second class, as defined in this act. (Ch. 54, Acts 1905.)

Salaries.

(§ 53.) Sec. 16. The Chief of Police shall have exclusive direction and control of the police force, subject to the rules, regulations and orders of the Board of Fire and Police Commission. (a)

In times of peril from riot, extensive conflagration, disorder or the apprehension thereof, the Chief of Police shall be subordinate to the Mayor and obey his directions. (Ch. 54, Acts 1905.)

a Under commission government "The Commissioner of Fire and Police" has control of department.

(§ 54.) Sec. 17. A Digest of the local laws shall be prepared, at least once in five years, and oftener, if deemed necessary, by the Board of Fire and Police Commissioners, which may be read as evidence in the Courts of the State, without further proof of the laws contained in such Digest.¹

ARTICLE 7.

BOARD OF PUBLIC WORKS. (a)

(§ 55.) Section 1. There shall be elected ten² discreet persons, who shall be Supervisors of Public Works, and constitute a Board of Public Works; the members of said Board shall be residents of said city for not less than five years immediately preceding their election, and not less than twenty-five years old, and chosen for their well known integrity and capacity for the duty required of them, and shall not be in arrears for taxes. [The election shall be held by the Sheriff of the county, as other popular elections are held.] The members of said Board, before entering upon the discharge of their duties, shall severally take an oath before the Clerk of the County Court that they will faithfully and impartially discharge the duties of their office, and that they will not become interested, directly or indirectly, nearly or remotely, for themselves or for others, in any contract for work, materials or supplies, or service or purchase, made by the Fire and Police Commissioners.

(§ 56.) Sec. 2. [Immediately after qualifying, said Board shall elect a chairman from among its members, who shall preside at all meetings of this Board. If not elected within ten days, the Mayor shall appoint said chairman. In the absence of the chairman a *pro tem.* chairman may be elected.]³

(§ 57.) Sec. 3. The said Board shall hold stated meetings for the transaction of business.

¹ Act of March 23, 1889, Chapter 163.
a Board of Public Works repealed and duties imposed upon "Board of Commissioners." See Acts 1909, Chapter 298.

² By amendment, Chapter 54, Acts of 1905, the Board of Public Works is increased from "eight" to "ten" members.

³ Chapter 54, Acts 1905, Section 5.

Compensation.

Each member of the Board of Public Works shall receive as compensation the sum of ten dollars for each and every meeting of the Legislative Council, which shall be attended by, and officiated in, by such member.⁴

Record of Board of Public Works.

(§ 58.) Sec. 4. Such Board of Public Works shall have power to prescribe rules not inconsistent with any statute or ordinance, regulating their own proceedings and the conduct of its members. It shall cause to be kept a full, true and correct record of its proceedings, and the same shall at all times be subject to inspection by any citizen or taxpayer. The Legislative Council shall, at the expense of the city, designate and provide a place for the meeting of this Board for the transaction of its business. The City Register shall be the clerk of both Boards. (Ch. 54, Acts 1905.)

[The Board of Public Works, under Ch. 54, of the Acts of 1905, is a part and parcel of the Legislative Council, and for the full scope of its powers, duties, etc., reference is made to Article 5 herein, entitled "Legislative Department," etc.]

ARTICLE 8.

MAYOR.

ELECTION, QUALIFICATION, DUTIES, ETC.

Mayor, election and duties.

(§ 59.) Section 1. The chief executive officer of the City of Memphis shall be styled the Mayor, and shall be elected for four years and until his successor has been elected and qualified by the qualified voters of said city, at the time and place for the general election of the Legislative Council. At the next regular municipal election, on the first Thursday after the first Monday in November, 1905, as hereinafter provided, a Mayor and three members of the Fire and Police Commissioners, and six members of the Board of Public Works shall be elected, and such

⁴ Sections 1 to 3, Acts of 1879, Chapter 11, Section 7, as amended by subsequent acts.

newly elected officials shall be sworn into office on the first Monday following the first Thursday after their election; but the present officials shall serve out their terms, and their successors shall be sworn in at the expiration of such terms. No person shall be eligible for the office of Mayor who is not at least thirty years of age, of good moral character, and who has been a *bona fide* resident of the City of Memphis for five years (next) preceding his election, and not in arrears for taxes, or who, at the time of his election and qualification, holds any other office, or who is directly or indirectly interested in any contract with the city.

In the event the Mayor, after his election, shall become interested in any contract with the city, or accept any office or agency of the United States, or of the State of Tennessee, or of the County of Shelby, or of quasi-public corporation, his office shall be thereby vacated. The salary of the Mayor shall be fixed by the Legislative Council before his election, and shall not be changed during his term, and shall not be less than three nor more than five thousand dollars per annum, to be paid in monthly installments. All persons elected to the office of Mayor hereafter shall be elected for a term of only four years, and shall be ineligible for a second term in immediate succession, but the present Mayor shall continue to hold his office until his present term expires. In case of vacancy in the office of Mayor, by death, resignation, or otherwise, such vacancy shall be filled by a new election, and the Legislative Council shall order such election within twenty days after the vacancy shall have occurred, provided more than twelve months of the term of office shall then remain unexpired; and the Vice-Mayor shall act as Mayor until one can be elected and qualified as above provided.¹

Other qualifications.

Salary—
how fixed.

Vacancy,
how filled.

(§ 60.) Sec. 2. The Mayor shall, from time to time, give to the Legislative Council information in writing of the state of the corporation, and such other information as the said Council may need, and may recommend to the Council such measures

Report to
Council from
time to time.

¹ Chapter 54, Acts 1905.

General supervision of all officers.

as he may deem expedient. He shall have general supervision of all the officers of the city, and see that the ordinances and provisions of this charter are observed.¹

To approve or veto ordinances.

(§ 61.) Sec. 3. Every law or ordinance passed by the Legislative Council shall be approved by the Mayor before it shall take effect. If he disapproves of it, he shall return it to the Board in which it originated at its next regular meeting after its passage, with his objections in writing, and no law or ordinance vetoed by the Mayor shall go into effect unless the same be again passed in both Boards by a vote of a majority of the members-elect of each Board; *Provided*, however, that if the Mayor fail to return any law or ordinance, as aforesaid, he shall be deemed to have approved the same, and it shall become a law without any further action of the Board in which it originated, and every law, ordinance, resolution or vote, except on a question of adjournment, shall require the approval of the Mayor before it shall have effect, except as above provided.¹

Appointments pro tem. by Mayor.

(§ 62.) Sec. 4. The Mayor is hereby empowered to make *pro tempore* appointments to supply the places of city officers, in case of sickness, death, resignation, absence or other disabilities. He shall also have power to suspend any city officer for misconduct or dereliction in office, reporting such action, with his reason therefor, in writing, to the next regular meeting of the Legislative Council, and he shall also have the power to administer oaths.¹

Mayor to make financial statement.

(§ 63.) Sec. 5. The Mayor is hereby empowered to call special session of the Legislative Council, by proclamation or otherwise, and in so calling he shall state to the members the object for which it shall have been convened. He shall at least once in every three months cause to be laid before the Legislative Council a statement of the financial condition of the city, which statement shall be published among the proceedings of the Leg-

¹ Chapter 54, Acts 1905.

islative Council, or as the Legislative Council may by resolution direct.¹

(§ 64.) Sec. 6. The Mayor shall, before he enters upon the discharge of his duties, take an oath of affirmation that he will support the Constitution of the United States and of the State of Tennessee, and the charter and ordinances of the City of Memphis, and faithfully carry out and enforce the same, and faithfully demean himself in office.¹

(§ 65.) Sec. 7. In case of temporary absence of the Mayor, or in sickness, the Vice-Mayor shall discharge his duties; and in the absence of the Mayor and Vice-Mayor the duties of the Mayor shall devolve upon the Chairman of the Board of Public Works.¹

(§ 66.) Sec. 8. The Mayor may be removed from office for misdemeanor therein by a vote of two-thirds of the members-elect of both Boards of the Legislative Council sitting in joint session, at which the Vice-Mayor shall preside. Before his removal from office the charges against him shall be preferred against him by any three members of the Legislative Council, and reduced to writing, and he shall be furnished with a written copy and allowed ten days to appear before the Council to make his defense, either in person or by counsel, or both.¹

(§ 67.) Sec. 9. In case of the contested election of Mayor, the Legislative Council shall determine the same, and whenever it is ascertained that two or more persons have the same number of votes for Mayor, the Legislative Council shall elect one of such persons for Mayor.¹

(§ 68.) Sec. 10. The Mayor shall countersign all warrants drawn upon the Treasurer, or the custodian of the city's funds, and shall sign all bonds, notes or other evidence of city indebtedness, and shall sign all contracts to which the City of Memphis is a party; *Provided*, that, if the Mayor refuse to sign any

¹ Chapter 54, Acts 1905.

such contract, or any such instrument, or document, same becomes effective without his signature by a majority vote of the Legislative Council. (a)

Books and
stationery—
how pro-
vided.

(§ 69.) Sec. 11. The Mayor shall furnish all books and stationery necessary for the use of the city, which shall be paid for out of the taxes provided for the support of the department for which said books and stationery may be furnished. (b)

ARTICLE 9.

CITY REGISTER.

ELECTION, QUALIFICATION, DUTIES, ETC.

City
Register.

(§ 70.) Section 1. There shall be a City Register, who shall be elected by the qualified voters of the City of Memphis, at the time of the first general city election, and shall hold his office for a term of four years, and his salary shall be twenty-five hundred (\$2,500.00) dollars per annum. However, the first Register under the provisions of this act shall be elected by the Legislative Council, within thirty days after the passage of this act, and shall hold his office until the first general election for city officers thereafter.

Election.

Duties.

(§ 71.) Sec. 2. The Register, with such assistance as may be furnished by the Legislative Council, shall act as clerk of each Board, and shall keep the records and minutes of each Board, and shall attend all meetings thereof.

(§ 72.) Sec. 3. Said Register, after he shall have been elected and qualified and given his bond as required, shall have charge and custody of all books, papers, documents and accounts connected with the city government, and he shall be held responsible for the safe-keeping of same.

^a The foregoing sections Nos. 1 to 10, inclusive, passed in 1905. See Chapter 54, Acts 1905.

^b For qualification and duties of Mayor under commission government, see Sections 3 to 11 et al., Chapter 298, Acts 1909 (hereinafter set out).

(§ 73.) Sec. 4. He shall keep an accurate and correct account Same. of all the transactions of the city government, and an account of the receipts and disbursements of all the funds of the city. He shall attend in person, or by one of his clerks, all the meetings of the Legislative Council, and keep a correct record of all the proceedings of that body. He shall have such clerical help in his work as the Legislative Council shall deem necessary for the work to be performed properly. Said Register shall publish a statement, once every six months, showing in detail the financial condition of the city government. All books, papers and documents in the care and custody of said Register shall be open to inspection and investigation by any taxpayer, upon the petition of any ten taxpayers living in the City of Memphis.

(§ 74.) Sec. 5. The Register shall be required to give bond Bond. in the sum of ten thousand (\$10,000.00) dollars for the faithful performance of his duties as an officer, and for the safe-keeping of all the books, documents, records, papers, etc., belonging to the city government in his charge or custody, and faithfully account for all money that may be turned over to him or passed through his hands as Register of the city. He shall also preserve all original vouchers and books of original entry until after the expiration of his term of office.

(§ 75.) Sec. 6. Section 1 of Article 12 of the Act of 1879, herein referred to, is hereby repealed, and in lieu thereof, all the duties of said City Secretary are hereby devolved upon the City Register, to whom said Secretary shall at once turn over all the books, papers and belongings of his office. (a)

[The Assistant City Register is *ex officio* the Secretary of the Park Commission.]

a All sections under Article 9, except Section 7, passed February 3, 1905, Chapter 54, Acts 1905.

Note—Office of "City Register" changed to City Clerk; who is elected by commission, Chapter 298, Acts 1909, Section 9.

(§ 76.) Sec. 7. In the event of a vacancy by death, resignation or removal in the office of City Register, the unexpired term shall be filled by the Legislative Council in joint session. (Ch. 54, Acts 1905, Sec. 63.)

ARTICLE 10.

FIRE AND POLICE DEPARTMENTS.

[For election of Chief of Police, Chief of Fire Department, subordinate officers and firemen; classification; Civil Service provision, see ante Article 6, "Fire and Police Commissioners."]

Regulate
salaries of
fire and po-
lice officers.

(§ 73.) Section 1. Said Board of Fire and Police Commissioners of such Taxing District or city shall be, and the same is hereby, authorized and given power to fix and regulate the scale of salaries of the officers of the Fire and Police Department, and to fix the rank and number of such officers.¹

Compensa-
tion.

(§ 74.) Sec. 2. The Police and Fire Commissioners shall fix the pay of the firemen as follows: Chief of Fire Department, not less than one hundred and fifty dollars per month; Assistant Chief of Fire Department, not less than one hundred and twenty-five dollars per month; Captains of Fire Department, not less than one hundred and ten dollars per month; Engineers of Fire Department, not less than one hundred dollars per month; other subordinate firemen, not less than seventy-five dollars per month.²

Powers of
police.

(§ 74a.) Sec. 3. The officers and patrolmen of the Police Department shall have all the power now possessed by constables, except for the service of civil process. But all process served by such officers or patrolmen shall be returned by them before the Judge of the City Court, whether issued by said Judge or by a Justice of the Peace, and they shall have no power to return the same to any Justice of the Peace. They shall receive no fees for such service, but in cases where the defendants are con-

¹ Amendment Senate Bill 455, Acts 1903, Section 8.

² Section 2 is original of Chapter 48, Acts 1889, which is a substitute for original Section 8 of Chapter 84, Acts 1879. This section in effect is repealed by preceding section.

victed the fees to which a constable would be entitled for like service shall be taxed and collected from such defendant by the Clerk of the City Court and turned into the City Treasury; *Provided*, that in no event shall such fees be collected from either city, State or county; and, *Provided also*, that the defendants convicted may be committed to the city prison until the fines and costs are paid, secured or worked out.

(§ 75.) Sec. 4. The Fire and Police Commissioners may, in case of need, appoint special policemen to do special duty at any time and any place within the city, and on such terms as the Board may deem proper, but compensation for such service shall not exceed that for policemen of second class. However, in all cases the action of the Board shall be reduced to writing and placed on the minutes, and shall show the necessity and occasion for such action.

(§ 76.) Sec. 5. The Mayor and Chairman, *ex officio*, of the Fire and Police Commission, upon proper showing, may suspend for twenty days from duty, without pay, any officer or employee of the Fire or Police Departments, and it shall be the duty of the Mayor to report at once to the Fire and Police Commission his reason for such suspension; and the action of the Mayor in all such cases shall be subject to the supervision and control of the Fire and Police Commission.

Suspension of
police or
firemen.

(§ 77.) Sec. 6. All the city officers whose removal from office is not otherwise provided for in this act shall be subject to removal by the Legislative Council, sitting as a court, upon written charges preferred by the Mayor, or any member of the Fire and Police Commission. The person accused shall have the right to be heard in person or by his counsel, and said Court to act under oath or affirmation. No person so tried shall be removed from office without the concurrence of two-thirds of the Legislative Council in joint session, the vote to be taken by ayes and nays, and a record thereof kept on the minutes. When a person has been so removed from office, he shall be ineligible thereto

during the term for which he shall have been elected or appointed.

No political
assessments.

(§ 78.) Sec. 7. No officer, employe or agent of the city government shall be called on by any other officer or agent of the city for any contribution or assessments by any political organization or member or committee thereof. No such officer, employe or agent shall be allowed to solicit any contribution or to sell any tickets or to procure any money by any device from the public. Any person violating any of the provisions of this section shall, upon conviction in the City Court, be fined not exceeding fifty (\$50.00) dollars, and be removed from office.

No additional
compensation
to police or
firemen.

(§ 79.) Sec. 8. No policeman, fireman or officer in either of said departments shall, without the consent of the Fire and Police Commission, receive any money or gratuity or compensation in addition to his salary, for any service he may render as an officer.¹

Firemen and
policemen
shall not in-
terfere with
elections.

(§ 80.) Sec. 9. That in no case shall any regular or special policeman or fireman, during the holding of any election in any Taxing District, be allowed in any way to interfere with or to influence or to intimidate any voter, or to attempt to do the same. Any violation of this provision shall be sufficient grounds for dismissing said offending officer from office; and any policeman or fireman who shall be guilty of violent or disorderly conduct at or near any polling place during the time of the holding of any election, shall be guilty of a misdemeanor, and upon conviction thereof shall be forever disqualified from holding any office or employment under the city government.²

¹ Sections 3 to 8, inclusive, under this Article passed in 1905, Chapter 54, Acts 1905.

² Chapter 91, Acts 1881, Section 7. The election and registration Acts of March 11, 1890, Chapters 24 and 25, extra session of 1890, are made applicable to the Taxing District by the Acts of March 28, 1891, Chapters 223, 224 and 225.

ARTICLE 11.

JUDICIAL DEPARTMENT.

JUDGE CITY COURT, ELECTION, QUALIFICATIONS, POWERS, DUTIES,
CITY COURT CLERK, ETC.

(§ 81.) Section 1. There shall be a City Court, and there shall be elected by the people a City Judge, at the regular election provided for in this act for the election of the Legislative Council; but the Governor shall first appoint said Judge, who will hold the office until elected by the people. Said appointment to be made within thirty days after the passage of this act. (Ch. 54, Acts 1905.)

(§ 82.) Sec. 2. The Judge of said Court shall be at least thirty years old and a lawyer by practice and profession, and of good moral character, and shall have been for two years before his election a *bona fide* resident of and voter in the City of Memphis. (Ch. 54, Acts 1905.)

Qualifications.

(§ 83.) Sec. 3. The City Court shall be a court of record, and shall have original and exclusive jurisdiction of all violations of municipal ordinances, and shall also be clothed with the same powers and duties possessed by a Justice of the Peace touching the arrest and preliminary trial, discharging, binding over, or punishing under the small offense law, all persons charged with offenses against the State, committed in the city. In all city cases an appeal may be taken to such Circuit Court of Shelby County as now or may be provided by law. Every person arrested on the charge of violating an ordinance or on process issuing from the City Court shall be presented to the Court for trial within twenty-four hours after his arrest, unless Sunday or legal holiday shall intervene. (Ch. 54, Acts 1905.)

Records of City Court.

(§ 84.) Sec. 4. A session of said Court shall be held daily, except Sunday or legal holidays. At the opening of each session the minutes of the preceding session shall be read and signed by the Judge in open Court. When a fine has been imposed and the minutes signed, the Judge shall have no power to remit

Sessions and powers.

or release the same or any part thereof. In the temporary absence or during the disability of the Judge from any cause, the Mayor shall appoint some person possessing all the qualifications of the regular Judge, as Special Judge, to act in his room and stead, and such appointment shall be copied on the minutes of the Court, and said Special Judge shall take the same oath and be clothed with the same power, *pro tempore*, as the regular Judge. If he shall serve for a period of two days or longer he shall be paid same compensation as the regular Judge, which sum so paid the Special Judge shall be deducted from the salary of the regular Judge. All processes issuing from said Court shall be signed by either the Judge or the Clerk thereof. (Ch. 54, Acts 1905.)

Salary City
Judge.

(§ 85.) Sec. 5. The salary of the Judge of said Court shall not exceed \$2,500.00 a year. The Judge of said Court shall, after his appointment expires, be elected at the regular city election of municipal officers for a term of four years, and his term shall begin from his qualification; his salary shall be paid by the city in monthly installments, as other city officers are paid. Said Judge shall not at the end of his term immediately succeed himself as City Judge. (Ch. 54, Acts 1905.)

Jurisdiction
and procedure
in Second Cir-
cuit Court in
appeals from
Police Court.

(§ 86.) Sec. 6. The Second Circuit Court of Shelby County is vested with the power to hear and determine cases brought to that Court by persons tried and convicted before the [Mayor, or Justice acting for said Mayor]¹ (now Judge of City Court) for offenses arising under the act establishing said city, and the ordinances of said city, or for any misdemeanor or other proceeding. Persons taking such case to said Second Circuit Court shall give bond, with approved security, for double the amount of the fine and costs, conditioned that if the Second Circuit Court shall find against the appellant, and the fine imposed by said Court is not paid, the defendant will surrender himself to the police authorities, to be dealt with as other offenders whose fines

1 Amended by Chapter 54, Acts 1905, creating office of Judge of City Court.

are not paid; and the judgment of the Second Circuit Court shall, in addition to imposing the fine, if defendant is convicted before it, order that such defendant be rearrested upon failure to pay said fine and costs, and turned over to the police authorities, to be dealt with as other offenders found guilty before the Mayor (now Judge of City Court) or Justice acting for him.²

(§ 87.) Sec. 7. When appeals are prosecuted from judgments rendered in the Police Court (now City Court) of said city, and the appellant shall give a bond with good and sufficient surety or sureties, and conditioned, in addition to all other conditions now prescribed by law, that the surety or sureties shall be liable for whatever judgment may be rendered against the principal in the Appellate Court; such Appellate Court shall, when rendering judgment against the appellant, render a like judgment against the surety or sureties on the appeal bond.³

CITY COURT CLERK.

(§ 88.) Sec. 8. The Legislative Council shall, at the first regular meeting after the general election, in joint session, elect a Clerk of the City Court, whose qualifications for office shall be that he is a *bona fide* resident of and voter in the City of Memphis. Said Clerk shall be elected for a term of two years, and his term of office shall begin from the time of his qualification following his election; and before assuming the duties of his office he shall give bond in the sum of \$2,500.00, to be approved by the Judge of said Court, and filed with the Register conditioned to faithfully discharge the duties of his office as such Clerk, and properly report and account for all the funds coming through his hands into his office. (Ch. 54, Acts 1905.)

Clerk City Court.

(§ 89.) Sec. 9. The Clerk of said Court shall keep the minutes of the Court in the same manner as the minutes of the Circuit Courts of the State are required by law to be kept. He

Clerk's duties.

² Act of April 4, 1881, Chapter 79, as amended by Chapter 54 of the Acts of 1905.

³ Section 7 passed March 30, 1897, Chapter 156, page 343.

shall also prepare for each session of the Court a docket of all cases not previously disposed of. His salary shall not exceed \$1,800 a year. He shall receive no fees or other compensation as Clerk. In city cases, however, the same fees and costs shall be taxed as allowed in the Circuit or Criminal Courts of this State, and he shall collect the same and pay them into the City Treasury. He shall also collect all fines assessed by said City Court and pay the same into the City and County Treasury, respectively, at least once per week. (Ch. 54, Acts 1905.)

(§ 90.) Sec. 10. Both the Judge and Clerk of said Court shall be authorized to administer oaths and affirmations. (Ch. 54, Acts 1905.)

(§ 91.) Sec. 11. In the event of a vacancy by death, resignation or removal in the office of City Judge, or Clerk of the City Court, the unexpired term of such vacancy shall be filled by the Legislative Council in joint session. (Ch. 54, Acts 1905.)

CHAPTER 12.

CITY ATTORNEY.

ELECTION, QUALIFICATION, DUTIES, ETC.

City Attorney
to be elected
by people.

(§ 92.) Section 1. A City Attorney shall hereafter, and beginning with the next popular election of said Taxing District or city, be elected by the people, and in the same manner and at the same time as other officers of said Taxing District are elected.¹ (Senate Bill 465, Acts 1903.)

Vacancy filled
by Governor.

(§ 93.) Sec. 2. *Be it further enacted*, That wherever a vacancy now exists, or that may hereafter occur in the office of City Attorney of said Taxing District or Districts, the same shall be filled by appointment by the Governor of the State, the appointee to hold office until the next general election in said Taxing District or Districts, at which election other officers of said Taxing District or Districts are to be elected.¹ (Senate Bill No. 465, Acts 1903.)

¹ Prior to this act the City Attorney was appointed by the Mayor. These two sections amend Section 2, Chapter 149, Acts of 1901.

(§ 94.) Sec. 3. It shall be the duty of the City Attorney, ^{Duties of.} in addition to the duties heretofore imposed upon him by law, to prosecute or defend, as the case may be, all suits brought by or against the city, the County Trustee, or the County Assessor, involving the assessment or the collection of the city taxes; and all fees and commissions now allowed by the law to the attorney employed for the collection of delinquent city taxes shall not be paid to such attorney, but shall be turned in to the city. (Ch. 54, Acts 1905.)

(For other duties and power of City Attorney, see Sec. 14 of Ch. 11, Acts 1879, and amendment Ch. 84, Acts 1879; also act of 1889, Ch. 163, and act of 1891, Ch. 81.)

(§ 95.) Sec. 4. The Fire and Police Commission may, in ^{Assistant City Attorney.} their discretion, employ competent attorney in the capacity of Assistant City Attorney, to prosecute cases in the City Court, and to attend to such other legal business as may be proper, and said attorney so employed to receive as his compensation a sum, in the discretion of said Fire and Police Commissioners, not to exceed twelve hundred (\$1,200.00) dollars in any one year, same to be paid out of the City Treasury. (Ch. 54, Acts 1905.)

(§ 96.) Sec. 5. The salary of said City Attorney shall be ^{Salary.} thirty-six hundred (\$3,600.00) dollars per year; said City Attorney shall be elected by the qualified voters of the City of Memphis at the regular election of the Legislative Council provided for in this act, and shall hold his office for four years. (Ch. 54, Acts 1905.)

(§ 97.) Sec. 6. In the event of a vacancy by death, resignation or removal, in the offices of the City Register, City Attorney, City Judge or Clerk of the City Court, the unexpired term of such vacancy shall be filled by the Legislative Council in joint session. (Ch. 54, Acts 1905.) ^{Vacancies—how filled.}

ARTICLE 13.

STREET COMMISSIONER.

(§ 98.) Section 1. There shall be, in addition to the officers and governing agencies of the city, an officer known as Street Commissioner.²

Qualifica-
tions of.

He shall not be a member of the Legislative Council, or take any part in its deliberations; he must be a resident of such municipality; be a man of probity and good character, and not less than thirty years of age; he shall give his whole time to the duties of his office.

How elected.

The Street Commissioner shall be elected by the Board of Police and Fire Commissioners, upon nomination of the Mayor, for such a term as the Legislative Council may determine.

Compensa-
tion, powers
and duties.

(§ 99.) Sec. 2. He shall have had experience in street building, and be thoroughly conversant with the materials to be used; and the Legislative Council shall have power, at the time of such election, to fix the compensation of such Street Commissioner for the term for which he is elected.

The Legislative Council shall provide, by ordinance, the powers and duties of such Street Commissioner, and fix the amount of his bond.

ARTICLE 14.

CITY TAX ASSESSOR.

Office
Created.

(§ 100.) Subsection 1. The Acts of 1879, Chapter 11, are hereby amended so as to create and establish the office of City Tax Assessor of such Taxing District (now City of Memphis), whose duty it shall be to assess all taxable property within said city now assessed by the State and County Tax Assessor. [And to authorize and empower the Tax Assessor of the City of Memphis to assess for city taxation all *ad valorem* taxes imposed on merchants and others, and all *ad valorem* taxes heretofore assessed for taxation by the County Court Clerk of Shelby

Duties.

Taxable
property.

² Office of Street Commissioner abolished by Chapter 298, Acts 1909.

County, Tennessee.]³ His term of office shall be for four years, Term.
and the Legislative Council of said City of Memphis shall, by
ordinance, fix the bond and duties of such Tax Assessor, and
determine when and how he shall make assessments of such Duties fixed
taxable property and return the same, and said Legislative by ordinance.
Council shall, within thirty (30) days after the passage of this
act, elect said Assessor, who shall thereafter forever be elected Election.
by the people of said City or Taxing District of Memphis, com-
mencing with the first regular election after the passage of this
act.⁴

(§ 101.) Subsec. 2. The taxes on all taxable property sit- Tax basis.
uated within the territory of such Taxing District shall be col-
lected upon the basis of the taxes heretofore provided for, and Collection.
the Legislative Council of such Taxing District shall, by ordi-
nance, provide how and when such taxes shall be paid and
collected.⁴

(§ 102.) Subsec. 3. The compensation of said Tax Assessor Assessor's
shall be four thousand (\$4,000.00)¹ dollars per year, to be paid salary.
in equal monthly installments, by the city or Taxing District.

(§ 103.) Subsec. 4. Said Tax Assessor shall be allowed an Assistant's
assistant, who shall be paid, by said city or Taxing District, a salary.
salary of \$1,500.00¹ per year for his services, and he shall be
appointed by the Assessor.

(§ 104.) Subsec. 5. Said City Assessor and his assistants, Power to
or any of them, shall have the power and authority to admin- administer
ister oaths in respect to assessments and in connection with the oaths.
valuation of property for city taxation.²

3 In brackets amendment House Bill 810, Acts 1909, passed April 26, 1909.

4 Sections 100 and 101 passed April 10, 1903, Chapter 366, except as otherwise noted. For manner and date of election under "Commission Government," see Chapter 298, Section 48, Acts 1909.

1 By House Bill No. 810, Section 2, passed April 26, 1909, the salary of Assessor and assistant fixed at \$4,000 and \$1,500, respectively, in place of \$3,000 and \$900.

2 Section 104 passed April 26, 1909. House Bill No. 810, Chapter 3, Article 14, is the Act of 1903, Chapter 366, as amended by House Bill 810, Acts 1909.

ARTICLE 15.

BOARD OF EQUALIZATION.

(§ 104.) Subsection 1. The Legislative Council of such Taxing District shall be, and is hereby authorized and given power to elect a Board of Equalization, consisting of five freeholders and citizens of said Taxing District, for the purpose of revising the assessment when returned by such Tax Assessor, and all persons who may object or complain of such assessments shall have the right to appeal from the returns made by said Assessor to said Board of Equalization, under such rules and regulations as may be established by the Legislative Council aforesaid, and the revision of such assessments as may be determined upon by the said Board of Equalization shall be final. Each member of said Board of Equalization shall receive and be paid the sum of three (\$3.00) dollars per day by the city or Taxing District for each and every day they are in actual session.³

Board of
Equalization.

Duties.

Compensation.

³ Senate Bill 455, Acts of 1903.

RULES AND REGULATIONS BOARD OF EQUALIZATION.

Adopted by Legislative Council February 4, 1904.

The Board of Equalizers shall elect one of its members a Chairman and one Secretary of the Board, and a majority of the Board shall constitute a quorum for the transaction of business. Said Board shall keep a daily record of its transactions and sign the same and its members shall be paid by the city as compensation for their services \$3 per day. The Assessor shall at the first day's session of the Board deliver the assessment list or roll to said Board for its consideration. Upon the completion of the duties of the Board the records and papers of the Board shall be turned over to the city Secretary for preservation, together with the assessment lists.

It shall be the duty of the Board to carefully examine, compare and equalize the assessments, to eliminate from its lists property exempt from taxation, to hear any just complaints of party or parties feeling aggrieved on account of excessive assessment of property; said complaints shall be made in writing. If, in the judgment of the Board, the property is assessed at more than its actual cash value, it shall be reduced to the actual cash value of the same, correct any and all errors arising from clerical mistake or otherwise that may come or be brought to the attention of the Board, and the corrections made, if any, shall be entered upon the assessment book without in any way altering the assessment lists. Said Board shall have the power, and it is hereby made the duty, to increase or lower the entire assessment roll or any assessment contained therein so as to equalize the assessment of all property contained therein, and make such assessment conform to the actual cash value of the property described in the assessment. If the property described in said assessment lists or any part thereof shall have been assessed at less than the actual cash value thereof, the value of the same shall be increased so as to conform to the actual cash value thereof. Or if any property designated in said assessment lists shall have been assessed at more than the actual cash value thereof, the same shall be reduced so as to conform to the actual cash value thereof, it being the intention that the Board of Equalizers shall equalize and compute the value of all the property in the city upon the standard of the actual cash value thereof, estimated at the amount of money the property would sell for if sold at a fair voluntary sale; provided, that no assessment shall be increased by the Board of Equalizers until the property owner or owners affected by said increase shall have been notified and given an opportunity to be heard.

I, ..., member of the Board of Oath of
 Equalization of said city, do hereby solemnly swear (or affirm) office.
 that I will, without fear, favor or affection, perform the duties
 required of me by my oath of office and the laws of the State;
 that I will carefully examine, compute and equalize all assess-
 ment lists and values of property in said city designated in the
 assessment rolls, and equalize, fix and compute the value of all
 such properties upon the standard of an actual cash valuation,
 as directed by the laws of the State, by raising the values of

The Board may examine any person or persons as witnesses and hear any proof
 that may be offered by any taxpayer or about any question touching the value
 of any property, or of property described in the assessment roll.

Any owner of property liable for taxation in the city shall have the right in
 person or by his agent to make complaint before said Board that other property or
 properties in the city have been assessed at less than the actual cash value thereof
 or at a less percentage of value than the complainant's own property. Upon such
 complaint being made before the Board it may hear any evidence or witnesses offered
 by the complainant or may take such steps as it may deem material to the inves-
 tigation of the complaint and pass upon the question justly and equitably according
 to the standard herein established of an actual cash value of the property.

The Board may inquire as to the valuation of the various classes of property in
 the respective wards of the city and make such changes by way of increase or
 decrease in the valuation as may be necessary to equalize the same as between the
 various wards and to determine the rate per cent of increase or decrease to be added
 or deducted in order to make a just and equitable equalization in the respective
 wards so as to conform throughout the city to a just and equitable standard,
 which standard in such case shall not be less than the actual cash value of the
 property.

The Board of Equalizers shall make out and transmit to the City Secretary
 (now City Register) a summary showing the value of town lots and improvements
 thereon; the value of personal property assessed and also a brief summary of all
 the testimony taken before the Board in regard to the equalization of property.

It shall be the duty of said Board to bring before it the Assessor and propound
 to him such questions as are in the opinion of the Board proper to ascertain the
 manner in which the Assessor arrived at the value of the property assessed by
 him and such questions as will aid said Board in the equalization of values. When
 the Board of Equalizers shall have determined the matters of equalization and values
 before it and within its jurisdiction such action shall be final.

Upon returning the assessment rolls of the city to the City Secretary the said
 Board of Equalizers shall attend to and indorse upon the same a certificate signed
 by each member, viz.:

"We, the undersigned members of the Board of Equalizers of the City of
 Memphis, do hereby certify that we have equalized, concluded and fixed the values
 of all property set out in the assessment roll of said city upon the standard of
 the actual cash value of the same, by raising the values of all properties assessed
 at less than actual cash value thereof to the actual cash value of the same, or by
 reducing the values of all properties assessed at a greater amount than the actual
 cash value thereof to the actual cash value of the same, and otherwise faithfully
 and honestly obeyed the requirements of the assessment laws of the State and city
 and kept our oaths of office. Witness our hands this.....day of.....
"

Each member of the Board of Equalizers, before entering upon the discharge
 of the duties of his office, shall, before the Mayor of the city, take and subscribe to
 the oath set out in Section 104 herein, to be filed with the City Secretary, viz.:

It shall be unlawful for any member of a Board of Equalization to enter upon
 or undertake to discharge the duties of his office without first taking the oath
 hereinbefore provided. It shall be the duty of the Board of Equalizers, when it is
 known to or reasonably suspected by any of them, that the Assessor has know-
 ingly, wilfully or negligently assessed any property at less than the actual cash
 value of the same, to report the same to the City Attorney, whose duty it shall
 be, upon receiving such information, to institute proceedings against the Assessor
 upon his bond, to recover the penalty hereinafter prescribed.

The Board of Equalizers herein referred to shall not sit more than 25 days. (Min-
 ute Book "F," page 290.)

all properties assessed at less than the actual cash value of the same to the actual cash value thereof, and by reducing the values of all properties assessed at greater than the actual cash value of the same to the actual cash value thereof, and in all respects faithfully, honestly and impartially do and perform each and every duty imposed upon me as a member of said Board by the laws of the State.

ARTICLE 16.

CITY TAX RECEIVER.

County Trustee City Tax Receiver.

(§ 105.) Subsection 1. The County Trustee of Shelby County shall be, and he is hereby declared to be, by virtue of his office, collector and disburser of municipal taxes of the City of Memphis, and his compensation for such services is fixed at one-half of one per cent. of the entire city taxes collected.¹

Clerical assistance—by whom paid.

(§ 106.) Subsec. 2. For the compensation above fixed, the aforesaid Trustee shall pay all clerical assistance, and that, to secure the faithful performance of the duties required in the collection and paying over of the said taxes, he shall give a bond in such amount as shall be fixed by the Legislative Council, and he shall keep the municipal taxes by him collected separate and apart from all other funds that may come into his hands, and so deposit as to indicate that the funds belong to the City of Memphis.¹

Bond.

Taxes to be kept separate from other funds.

Front foot assessments.

(§ 107.) Subsec. 3. All assessments under the front foot improvement act shall be payable to the City Tax Receiver, whose duty it shall be to receive the same and give proper receipts therefor and enter the proper credit and satisfaction.²

Proceeds.

(§ 108.) Subsec. 4. All proceedings arising from the collection of assessments levied for an improvement shall, as soon as collected, be deposited by the City Tax Receiver in some bank designated by the legislative body of such city, and such col-

How and where to be deposited.

¹ Passed February 1, 1905. This act repeals Chapter 301 of Acts of 1899, and all other acts in conflict.

² See Chapter 341, Acts 1907, Section 7.

lection shall not be deposited with the general funds of the city, but shall be considered a separate deposit to the account of "Public Improvement," and shall be drawn out on checks or orders directing the amount designated therein to be paid out of the public improvement fund. The City Tax Receiver shall be liable on his official bond to any holder of the certificates ["bonds," under amendment of February 15, 1909,] authorized by this act for any loss or injury to such certificate [bond] holder caused by the diversion by said officer of any fund, or part thereof, to the payment of any bond, certificate of indebtedness or interest coupons or indebtedness of the city other than the certificates and interest coupons and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer of any part of the fund out of which said certificates [bonds] are required and contemplated herein to be paid for any other purpose than herein provided for, or for the benefit of the city or others.³

Liablie on bond for diversion of "improvement fund."

(§ 109.) Subsec. 5. The City Tax Receiver shall receive the same compensation for collecting the moneys herein provided for [meaning the front-foot improvement act] as he does for collecting other city taxes, and he may appoint one clerk, at a salary not to exceed \$100 per month, said salary to be paid out of the moneys collected under this act, and said salary to begin at the discretion of the Municipal Council.⁴

Compensation for collection of "improvement fund."

One additional clerk.

ARTICLE 17.

TAXATION AND FINANCE.

(§ 110.) Section 1. Power is hereby conferred upon the Legislative Council of the City of Memphis to levy and impose all necessary taxes for the support of the government of said city.¹

Power to levy taxes.

³ Chapter 341, Acts 1907, Section 10, and amendment of 1909, Senate Bill 282.

⁴ Chapter 341, Acts 1907, Section 20.

¹ Act of April 1, 1893. Prior to this act taxes were imposed by General Assembly of State.

(§ 111.) Sec. 2. The City of Memphis, through its Legislative Council, by ordinance, is vested with the power to fix the time for the payment of its taxes, and when the same shall become delinquent to fix penalties, interests and costs on delinquent taxes, within the laws applicable to State and county taxes, as to provide for the advertisement and sale of property upon which delinquent taxes may be due; and said city is vested with power, by ordinance, to enforce the collection of its delinquent taxes by all the means provided for the collection of delinquent State and county taxes.²

(§ 112.) Sec. 3. In fixing the annual tax rate the ordinance shall designate what proportion of the total rate is levied for the Police Department, for the Fire Department, for streets, for sewers, for school purposes, for lights, for official salaries, for judgments and costs, for interest and Sinking Fund, for claims, for health and hospitals, for rent, for water for public buildings, for the Park Commission, for general and miscellaneous purposes, and for any other specific purpose for which a tax may be lawfully levied for the ensuing year. And the annual appropriation ordinance shall apportion the tax to be derived therefrom accordingly. It shall not be obligatory upon the Legislative Council to make a levy and appropriation for all of the purposes above enumerated, but only for such thereof as may be necessary, in its judgment. It shall not be lawful to use any funds appropriated to one purpose for any other, unless the same shall have been previously directed by ordinance.³

In making appropriations for the various departments, the Legislative Council shall not be bound by the estimate submitted by the officer or board in charge of such department, but shall appropriate only so much as they shall deem necessary³.

It shall not be lawful to expend in any year a greater amount

² Act of February 1, 1905, repealing Chapter 301 of Acts of 1899 and all other acts in conflict.

³ Chapter 54, Acts 1905, Section 27.

in any department than shall have been appropriated for that department.³

(§ 113.) Sec. 4. In the exercise of said power the Legislative Council shall always levy and impose sufficient tax to pay the interest on the outstanding bonds of said city, and to provide a sinking fund for the retirement of the bonds themselves, as required by the law under which bonds were issued.⁴ Sinking fund.

(§ 114.) Sec. 5. Section 1 of Chapter 172 of the Acts of 1895, and Section 4 of Chapter 84 of the Acts of 1893, and Section 1 of Chapter 19 of the Acts of 1899, and all amendments thereto, prohibiting the City of Memphis from levying more than six hundred thousand (\$600,000) dollars of taxes for any one year within the original eleven (11) wards of such city, are hereby amended so as to provide that the gross tax levy for general purposes shall not exceed one million one hundred thousand (\$1,100,000) dollars for the entire City of Memphis, and said Legislative Council is vested with the power of making the total gross levy on the entire city for every purpose (exclusive of the park tax, the levy or overflow tax for Wolf and the Mississippi River, and all other special taxes), for any one year on realty, personalty and merchants' capital, not more than one million one hundred thousand (\$1,100,000) dollars. Maximum of tax levy.

[*Provided*, that the Legislative Council of the City of Memphis, in levying said one million one hundred thousand (\$1,100,000) dollars, shall apportion between the first eight wards and the Ninth, Tenth and Eleventh wards of the city that part of the levy necessary to pay the interest and sinking fund of the municipal debt, as now required by law, and it is the further purpose and intent hereof that the territory annexed by the act of January 25, 1899, shall pay no part of the interest and sinking fund on the city's debt outstanding at that time, and that the tax levy necessary to raise such interest and sinking How apportioned.

³ Chapter 54, Acts 1905, Section 27.

⁴ Chapter 84, Acts 1893.

fund shall be apportioned between the first eight wards and the Ninth, Tenth and Eleventh wards as required by the acts and ordinances under which the indebtedness of the city was funded, but this shall not affect the liability of said annexed territory for the principal or interest of any indebtedness incurred since such annexation.]]¹

UNIFORM RATE OF TAXATION.

NOTE.—Whether there shall be a uniform rate of taxation or three rates of taxation, according to the location of property in the city, has been a vexatious question. By the annexation act of 1899, different rates of taxation were provided for, and there was a provision to the effect that, in case the Supreme Court should hold that different rates were unconstitutional, then the property should be considered as annexed, notwithstanding a uniform rate would prevail.

In 1905, the Legislature repealed this and amendatory acts, and provided that a uniform rate should prevail throughout all of the wards of the City of Memphis. Then the Legislature of 1907 repealed the act of 1905, without stating that the law providing for the three rates was revived. The City Attorney has expressed the opinion that we should levy a uniform rate throughout the city. While it is a general principle of law, with exceptions, that the repeal of a repealing statute revives the old law, still this principle has been declared by the Supreme Court of Tennessee not to apply to the enactment of local laws, such as the charter of a municipal corporation. If the Legislature of 1905 had intended to revive the old law when it repealed the act of 1905, commonly called the Boyle Bill, then it would have been necessary to have so stated. Upon the contrary, this was not only not done, but the Legislature subsequently passed what is commonly called the commission form of government bill, and which, in effect, provided for a uniform rate of taxation throughout the city, and the government which

1 Section 5 passed in 1903, Senate Bill 455.

for a time usurped the city government levied a uniform rate throughout the city. These facts tend to show that it was the intention of the Legislature to return to a uniform rate of taxation, though the casual observer would probably think otherwise.—Extract from Report of Hon. James H. Malone, Mayor, filed March 23, 1908. See Book B, page 74, Board of Public Works.

For information of those concerned, the Boyle Bill will be here given, and the act repealing the same:

CHAPTER 345, ACTS 1905.

(BOYLE BILL.)

Only one city tax rate on real and personal property shall be levied, and this one tax rate shall apply equally and uniformly to all real and personal property within the limits of such city, without discrimination on account of location or character of such property. But property exempt from taxation under existing laws shall not be affected by this act. All acts and parts of acts in conflict herewith are hereby repealed.

Passed April 13, 1905.

CHAPTER 198, ACTS 1907.

REPEALING BOYLE BILL.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 345, being House Bill No. 797 of the Acts of the General Assembly of 1905, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1907.

TAX RATE UNDER COMMISSION GOVERNMENT.

(Under Chapter 298, Acts 1909, Sections 46-47, all special taxes heretofore provided for are abolished, and the city has the power to levy and collect a general ad valorem tax upon ALL REAL AND PERSONAL PROPERTY IN THE CITY OF MEMPHIS, not to exceed \$2.00 on every \$100 of assessed value for all purposes; the Commission to pay to the School Board 25c on every \$100; to the Park Commission 15c on every \$100, and to the Cossitt Library .03c on every \$100 of assessed values.) Compiler's note.

All property
subject to
taxation.

(§ 115.) Sec. 6. The power conferred thus to impose taxes shall apply to every object and subject of taxation within the corporate limits of the City of Memphis. Said power shall extend to every species of property, and to privileges and wharfage dues, and all other things upon which the Legislature or the city has heretofore laid taxes, rates or assessments for the support and maintenance of said government, the object being to provide for the exercise of the power herein conferred upon the restrictions named as fully as the same could be exercised if the Legislature, and not the city, were exercising the power.²

Privilege
taxes remain
as at present
until changed.

(§ 116.) Sec. 7. All laws imposing privilege taxes for said municipality shall remain in force until changed by the State or by such municipality under the authority here delegated.²

State laws
for enforce-
ment of taxes
applicable
to city.

(§ 117.) Sec. 8. All laws providing means, or giving liens or remedies for the collection and enforcement of taxes for such municipality heretofore levied by the General Assembly shall be and remain in force and apply to the collection of said taxes when levied by said city under the authority hereby conferred.²

City depart-
ments must
submit re-
port of ex-
penditures for
past year and
estimate for
succeeding
year 30 days
before levy.

(§ 118.) Sec. 9. Each department of the city government shall, at least thirty days before the tax levy for the succeeding year, submit in writing an estimate of revenue required by it, and also a report of its aggregate expenditures for the expiring year, which estimates and reports shall be published at least once a week for the four weeks next preceding the annual tax levy, for the information of the citizens and taxpayers of said city.²

Sewer and
street tax of
\$1 on the \$100.

(§ 119.) Sec. 10. For the purpose of enabling the City of Memphis to build, repair and improve the streets, highways and bridges within [or which may hereafter be annexed or brought within]³ the territory of said city, and to complete the sewer system thereof, the said City of Memphis is hereby authorized and empowered to levy and collect an *ad valorem* tax

² Sub-Sections 6 to 9, inclusive, passed in 1893. See Acts 1893, page 110.

³ In brackets passed April 22, 1909. See Chapter 243, Acts 1909.

of one dollar on the one hundred dollars of taxable property situated within the limits of said city.¹

Said tax shall be payable in five annual installments of twenty cents on the \$100 each, and said installments shall be collected upon the State and county assessment preceding said installment, and said improvement tax installments shall become due and delinquent at the same time, respectively, as the current taxes of the city.⁴

Paid in five annual installments.

(§ 120.) Sec. 11. Said taxes shall be collected by the Tax Receiver of the City of Memphis. In order to facilitate these improvements, the Board of Fire and Police Commissioners is authorized and empowered to anticipate any special installment of said special tax, and to pledge the same for the repayment of said special tax so anticipated by the city or advanced to it.⁴

To be collected by Tax Receiver, but may be anticipated.

(§ 121.) Sec. 12. All taxes levied for the years of 1879 to 1888, both inclusive, may be carried, when collected, to surplus account, and be subject to appropriation to any legitimate corporate purpose by the Legislative Council of said city. (Ch. 224, Acts 1897.)

Taxes of 1879-1888 carried to surplus account.

(§ 122.) Sec. 13. All turnpike, highway and bridge taxes collected in territory annexed to the city by any act of the Legislature shall be at once turned over to the Board of Fire and Police Commissioners, to be by them expended upon the turnpikes, highways and bridges in said annexed territory.

Turnpike, highway and bridge taxes collected from annexed territory to be expended therein.

(§ 123.) Sec. 14. Authority is conferred upon the city, by and through its Legislative Council, by a general ordinance or resolution, to release and have stricken from the tax roll all taxes claimed or alleged to be due for years prior to 1879.

Taxes prior to 1879 may be released.

(§ 124.) Sec. 15. All revenue arising from assessments on real and personal property, privileges and polls levied on ac-

¹ Sub-Sections 6 to 9, inclusive, passed in 1893. See Acts 1893, page 110.

⁴ Sub-Sections 10 and 11, passed in 1893. See Chapter 10 of Acts of Extraordinary Session of 1893, amendatory of Chapter 166, Acts 1899, and Chapter 1, Acts of 1891.

School tax to be paid weekly to treasurer of School Board. count of public schools or public education in the city, shall be for the use and benefit of the public schools of the city, and when the tax is collected it shall be paid over weekly to the Treasurer of the Board of Education of the city.

PRIVILEGE TAXES.

Privileges declared. (§ 125.) Section 1. The following named kinds of business and occupations shall be, and the same are hereby declared taxable privileges, and shall be taxed as herein provided; and the exercising of any of said privileges without first paying the tax hereby fixed, shall be a misdemeanor.

The Council may levy and collect an annual tax on all privileges exercised within the city limits, equal to the tax imposed thereon for State purposes,¹ said privilege tax to be applied to the paving of streets and construction of sewers or drainage of said territory. All privilege taxes in and for said district shall permanently, and until otherwise enacted, be applied to the paving of streets and construction of sewers and the drainage of the territory. All moneys derived from fines and for forfeitures, market and other rents, and inspector's fees, shall be paid over to the said Trustee and held for payment of salaries of Commissioners and any other municipal officer, and for any other legitimate municipal purpose or expense; said taxes shall be collected by the County Trustee in lawful money of the United States, as other State taxes are collected, each fund by him to be kept separate, and to be paid out by him for the purpose specified upon the warrant of three of said Commissioners. In no other case shall the fund collected for one purpose be used for any other, nor shall said Commissioners issue any warrants unless the money is in the hands of the Trustee at the time to redeem them, under penalty of being held personally liable by the holder of the warrant.

Privilege taxes—how applied.

Fines, etc.—to whom paid over.

Payment of salaries, printing, etc.

Taxes—by whom collected and how paid out.

Misappropriation.

¹ By Chapter 153 of the Acts of 1885, ad valorem taxes levied for the District become delinquent on the 1st day of May, and by act of February 1, 1905, Council may provide by ordinance when taxes shall become delinquent.

ARTICLE 18.

FRONT FOOT ASSESSMENT ACT.

CHAPTER 341, ACTS 1907, AND AMENDMENTS OF

FEBRUARY 15, 1909.

HOUSE BILL NO. 438.

AN ACT to empower municipalities having a population exceeding 100,000 inhabitants by the Federal census of 1900 or any subsequent Federal census to open, extend, widen, grade, pave, macadamize, or otherwise improve streets, alleys and highways; to levy and collect special taxes and local contributions on real estate abutting the same; to authorize the issuance of certificates of indebtedness to pay for the same; to provide for the redemption of such certificates; and to authorize the creation of improvement districts.

(§ 130.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all municipalities of this State having a population of not less than 100,000 inhabitants, according to the Federal census of 1900, or any subsequent Federal census, it shall be lawful for the legislative bodies of such municipalities, of their own motion and without petition of property owners, to provide by ordinance for the improvement of any street, highway or alley or part or parts thereof, in such municipality by opening, extending, widening, grading, paving, macadamizing, curbing, guttering or otherwise improving, in such manner and with such materials and with such culverts as such legislative bodies may determine, and to provide for making special levies or assessments upon the land abutting on such street, highway or alley or part or parts thereof to be improved, in the manner hereinafter set forth, to pay two-thirds of the cost of such improvement.¹

Giving city initiative for the improvement of streets, etc.

(§ 131.) (Sec. 2 of Chapter 341 of the Acts of 1907. Repealed. See Section 2 of the Acts of 1909, Senate Bill No. 282.)

¹ Amendment Senate Bill 282, Acts of 1909.

(§ 132.) (Section 3 of Chapter 341 of the Acts of 1907. Repealed. See Section 2 of the Acts of 1909, Senate Bill No. 282.)

Ordinance to be passed ordering improvement.

(§ 133.) Sec. 4. Before any work shall be done on any public improvement authorized by the preceding section, two-thirds of the cost of which is to be assessed against the property abutting on the street, highway or alley, or part or parts thereof to be improved, it shall be the duty of the legislative body of the municipality to adopt an ordinance that such improvement or improvements shall be made, which ordinance shall state the general character of the improvement or improvements, and name the location and terminal points thereof, and the streets, alleys or highways or part or parts thereof on which such improvement or improvements are to be made. Notice of the adoption of such ordinance shall be given by publishing such notice three times in some daily newspaper of general circulation in such municipality. It shall not be necessary to set out in full in such notice said ordinance, and it shall not be necessary to publish such ordinance at all, but such notice shall state the approximate cost of such improvement or improvements, and also the time and place, not earlier than ten days from the last date of such publication, at which the legislative body of such municipality shall meet, to hear remonstrances or protests against the making of such improvement or improvements. At the time and place thus appointed the legislative body shall meet, and if the legislative body consists of two branches shall meet in joint session, and at said meetings, or at a time and place to which the same may be from time to time adjourned, all persons whose property will be affected by such improvement or improvements may appear in person or by attorney or by petition, and protest against the making of such improvement or improvements, and, after hearing such protests, if any, said legislative body may confirm, modify or rescind such ordinance, in whole or in part.²

Notice of adoption of ordinance to be published.

What notice to contain.

Protests.

Board may confirm, modify or rescind ordinance.

² Section 4 amendment Senate Bill 282, Acts 1909.

(§ 134.) Sec. 5. If any such improvement is finally ordered, the legislative body of the municipality shall have power and authority, after completion and acceptance thereof by the legislative body, to assess two-thirds³ of the cost of making any such improvement upon and against the several lots or parcels of land abutting the street, highway or alley or part or parts thereof, improved according to their respective frontages; *provided, however,* that said assessment upon any lot shall not exceed one-third of the assessed value thereof for city taxes for the current year; and all such assessments shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of the State and county for taxes.³

Power to assess two-thirds of cost against property, etc.
Lien created.

(§ 135.) Sec. 6. When the amount to be assessed against each lot or parcel of land for any improvement shall have been ascertained, the City Engineer shall cause the same to be entered in a well-bound book prepared for the purpose, which shall show the names of the owners of the property assessed, if known, and opposite each name the description of each lot or parcel of land assessed belonging to such owner and the amount assessed against each, and shall contain appropriate columns in which payment may be credited and the lien of the assessment marked satisfied by the proper officers of the municipality; and if the name of the owner of property proposed to be assessed be unknown, said book shall contain under the head of "Owner Unknown" a list of the property to be assessed, the owners of which are unknown. After the completion of the proper entries of each improvement, said book shall be delivered to the City Register or Clerk, who shall thereupon give notice by publication in some daily newspaper of general circulation in said municipality that said book of assessment for public improvements has been delivered to him, and is open for inspection at his office;

Entry of assessment.

Manner of assessment.

City Clerk give notice for inspection.

³ Section 5 amendment Senate Bill 282, Section 5, Acts 1909.

Contents of
notice.

Objection
filed.

Assessment—
when due.

Agreement for
payment by
installment.

and at a time and place named therein, not less than ten days from the date of publication, the legislative body of such municipality will meet to hear and determine any objection or defense that may be filed in his office by any owner of property proposed to be assessed against the said assessment. Said notice shall also state the general character of the improvement, the terminal points thereof, and the streets, alleys or other highways or portions thereof along which it is to be constructed. All persons whose property it is proposed to assess for the cost of said improvement may, at any time on or before the date named in said notice, and before said meeting, file in writing with the Register or Clerk or Secretary of the municipality, or in his office, any objection or defense to the proposed assessment against his property or to the amount thereof; and at a meeting on the date named, or any date to which said meeting may be adjourned, said legislative body of said municipality shall hear and determine said objection or defense, and, after so doing, shall confirm, modify or set aside the assessment. If no objection or defense to the assessment or to the amount thereof is filed, or if the property owner fail to appear in person or by attorney and insist upon the same, the assessment shall be confirmed and made final.

(§ 136.) Sec. 7. All assessments levied by virtue of this act shall be due and payable within thirty days after the assessment is made final as aforesaid, but at the election of the property owner, to be expressed by notice as hereinafter provided, said assessment may be paid in five annual installments, and shall bear interest at the rate of six per cent. per annum, interest payable annually; that a property owner desiring to exercise the privilege of payment by installments shall, before the expiration of the thirty days aforesaid, enter into an agreement in writing with the municipality that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay

the same, as required by law, with the specified interest; that such agreement shall be filed in the office of the Register, Clerk or Secretary of the municipality, and in all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in cash, without interest, before the expiration of said thirty days; *provided*, that any property owner who shall have elected to pay his assessment in five annual installments shall have the right and privilege of paying up the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest thereon. Should such property owner elect to pay off his installments in full between the installment periods, all assessments or installments thereof shall be payable to the City Tax Receiver or Treasurer, whose duty it shall be to receive the same and give proper receipts therefor and enter the proper credit and satisfaction.

Payment before due.

To whom paid.

(§ 137.) Sec. 8. Upon default for the period of thirty days in the payment of any installment and interest, the entire unpaid assessment shall immediately become due and payable and the lien thereof foreclosed, and collection enforced by the municipality.

Default in payment.

The property thus sold may be redeemed at any time during a period of two years after said sale by paying costs, penalties, and interest having accrued on account of said sale.

Redemption.

(§ 138.) Sec. 9. That, instead of issuing certificates of indebtedness, as provided in Section 9 of said Chapter 341 of the laws of 1907, legislative bodies of such municipalities shall have power, at their option, to issue negotiable bonds of the municipality to an amount in par value not exceeding two-thirds of the estimated cost of any such improvement or improvements, which cost shall for this purpose be estimated by the legislative body in the ordinance authorizing the issue of said bonds; such bonds shall be payable to bearer in lawful money of the United States,

Bonds.

Board may issue bonds not exceeding two-thirds of estimated cost (instead of certificates).

	either at the office of the Treasurer of the municipality, or at such other place in the United States as may be designated in the bond, and be in such form and signed by such officers as
Coupons.	may be provided in the ordinance directing their issue. Coupons may bear a <i>fac simile</i> signature or signatures. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. The bonds shall run
Interest.	for one, two, three, four and five years, and bear interest at a rate not exceeding six <i>per centum</i> per annum, as may be designated in the bonds, payable semi-annually, and such bonds shall be of such denomination as the legislative body may direct. The
Council may provide for payment of bonds at any interest paying period.	municipality may, in its discretion, in such ordinance provide that any bonds shall be payable at the option of the municipality at any interest-paying period, and in the event of bonds being thus made payable at the option of the municipality before maturity, and in the event that the municipality shall elect to pay
Bonds redeemed before maturity—how and when.	any such bond in full at any interest period before its maturity, it shall pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year; <i>provided, however,</i> that the legislative body shall give public notice before any such interest period by publication three times once a week for three consecutive weeks in a daily newspaper published in such municipality, the first publication to be not less than thirty days prior to the interest period at which it is proposed to redeem the bonds, such notice stating the intention to redeem the bonds and describing them by number and series. The municipality shall have no right or option to pay any bonds prior to maturity, unless such right or option is expressly reserved in the bonds. Said bonds shall be sold at public or private sale at not less than par and accrued interest. Such bonds shall be the absolute and general obligation of the municipality. The
Sale of bonds.	
General obligation.	

legislative body of the municipality shall provide by ordinance that the assessments levied upon the property abutting on the streets, alleys or highways, or part or parts thereof in respect of which any such bonds are issued, shall be set apart as a fund for the payment of such bonds and interest. It shall be the duty of the legislative body of the municipality to levy an *ad valorem* tax upon all the taxable property in the municipality to pay the principal and interest of said bonds as it becomes due, or to pay such part or parts thereof as are not provided for by the assessments levied and actually collected and in the treasury of the municipality set apart for the payment of such bonds and interest. Such tax shall be in addition to all other taxes which such municipality is by law authorized to levy; any ordinance authorizing the issuance of any such bonds may be passed by both branches of the legislative body, if there be two branches, in joint session, upon two readings, one reading being on each of two separate days, the ordinance to be approved by the Mayor or passed over the veto of the Mayor by a vote of not less than two-thirds of the total number of members-elect of the joint session, and neither such ordinance, nor the bill for the same, need be published at any time before passage, and after passage the ordinance need be published only once in some daily newspaper published in the municipality. Such ordinance may, in the discretion of the legislative body, provide for the issuance of bonds in one lot or amount in respect of any one or more of such improvements on one or more streets, alleys or highways or part or parts thereof, and may, in the discretion of the legislative body, provide that any assessments levied in respect of any such improvement or improvements on one or more streets, alleys or highways or part or parts thereof, may be applied as a whole toward payment of such entire lot or amount of bonds or interest thereon, and it shall not be necessary that each assessment for each separate improvement shall be kept separate and applied to the bonds issued in respect of that particular improvement.

Assessments set aside for payment of bonds, etc.

Levy tax in addition to other taxes, to pay bonds and interest.

Ordinance authorizing issuance—how passed.

Publication.

Assessments may be applied in payment of entire lot of bonds, etc.

Award of bonds. After the passage of any ordinance authorizing the issue of bonds, any proceeding authorizing the advertisement or sale or award of the bonds may be taken by order made at a joint session of the two branches of the legislative body, if there be two branches, and need not be by ordinance.

Issuance of bonds; no steps other than herein provided. No proceedings on the part of any such municipality in respect of the issuance of any such bonds shall be necessary except such proceedings as are required by this act. Any such bonds may, in the discretion of the legislative body of the municipality, be issued in substantially the following form, or in such other form as the legislative body of the municipality may, from time to time, prescribe:

UNITED STATES OF AMERICA,

STATE OF TENNESSEE.

CITY OF

No. SERIES \$.

The City of, a municipal corporation organized and existing under the laws of the State of Tennessee, for value received, hereby acknowledges itself indebted and promises to pay to the bearer the sum of \$., in lawful money of the United States, on the first day of.....19...., with interest thereon at the rate of.....*per centum* per annum, payable semi-annually on the first days of..... and.....in each year until this bond is paid, upon presentation and surrender of the annexed coupons as they severally fall due, both principal and interest being payable at the office of the City.....in.....Tennessee, or at the office of.....in....., at the option of the holder.

This bond is issued under and in pursuance of and in strict conformity with an act of the General Assembly of the State of Tennessee, approved April 11, 1907, being Chapter 341 of the Acts of the year 1907, and other statutes and the Constitution of said State and the charter of said city, in such cases made and

provided and under and pursuant to ordinances and proceedings of said city, duly adopted and had, to provide means to pay not exceeding two-thirds of the estimated cost of certain street improvements.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this bond, in order to make this bond a legal, valid and binding obligation of the City of have been done, existed and been performed in regular and due time, form and manner as required by law, and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the Constitution or statutes of said State or the charter of said city. The full faith and credit of the City of.....are hereby pledged for the prompt payment of the principal and interest of this bond as the same become due.

In witness whereof, the Mayor of said City of..... and the City.....of said city have signed this bond and attached the seal of said city, and caused the interest coupons hereto attached to be signed with the *fac simile* signatures of said Mayor and said City....., and this bond be dated.....1, 19....

..... Mayor.

..... City

If the municipality reserves the right or option to pay off said bonds before maturity, such right or option shall be expressly reserved in the bonds, and the language of such reservation inserted in such case in the bond may be substantially as follows, or in any other appropriate language:

The City of.....hereby reserves the right and option to pay off this bond at any interest-paying period before maturity, and in the event the City of.....shall elect

to pay off this bond in full at any interest period before maturity, it shall and will pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year; *provided, however*, that the legislative body of said municipality shall give public notice before such interest period by publication three times once a week for three consecutive weeks in a daily newspaper published in the City of, the first publication to be not less than thirty days prior to the interest period of this bond, stating its intention to redeem the same, and describing the same by number and series.

FORM OF COUPON.

No..... \$......

On the first day of.....19...., the City of, Tennessee, will pay to the bearer at the office of the City.....in....., Tennessee, or at the office of....., in....., at the option of the holder, ...dollars, being six months interest then due on street improvement bond of said city, dated 1, 19...., Series....., No.....

.....Mayor.

.....City ¹

(§ 139.) [Sec. 9a. After the construction of any improvement shall have been finally ordered and entire cost thereof estimated, the legislative body shall have the power and authority for the purpose of providing means to pay the expense of said improvement, to order the issue of, and issue and sell at not less than par, certificates of indebtedness at an amount not to exceed three-fourths of the estimated cost of said improvement. Said certificates shall be negotiable, payable to bearers, and shall have attached thereto coupons for the interest thereon, and shall be payable in lawful money of the United States and be in such form as may be provided in the ordinance directing such issue.

Certificates of
indebtedness.

¹ Section 9 is the amendment of 1909, Senate Bill 282, Section 5.

The certificates shall run for one, two, three, four and five years, and bear interest at the rate of six per cent. per annum, payable semi-annually, at such place or places as may be named therein, and shall be in such denominations as said legislative body may direct. Any certificates of indebtedness issued hereunder shall be payable at the option of the municipality at any interest-paying period. In the event such municipality should elect to pay off any such certificate in full at any interest period, it shall pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year; *provided, however*, that said legislative body shall give public notice before such interest period by publication three times, once a week for three consecutive weeks, in a daily paper published in such municipality, the first publication to be not less than thirty days prior to the interest period of said certificates proposed to be redeemed, stating its intention to redeem the same and describing the same by number and series. They shall state on their face the caption and number of the ordinance under which said improvement is constructed, and said ordinance shall state the general character of the improvement to pay for which they shall be issued, and the terminal points thereof, and the streets, highways or alleys or parts thereof along which the improvement is to be constructed as hereinbefore provided. They shall be issued under the corporate seal of such municipality, and the certificate shall be signed by the chief officer and Register or Clerk of said municipality, and the coupon shall bear the *fac simile* signature of said chief officer and Clerk or Register; *provided, however*, that the validity of said certificates shall be in no wise affected by reason of any defect in the form thereof, or any omission therefrom. The proceeds arising from the sale of said certificates, or so much thereof as may be necessary, shall be applied exclusively to the payment of the cost of the improvement, to pay for which said certificates were issued; but if there should remain any surplus after paying such cost, the same shall be

When payable.

Form of certificate.

Validity unaffected by form.

Proceeds—how used.

City may
borrow
and advance.

and become a part of the fund pledged for the payment of said certificates; *provided, however*, that the legislative body of such municipality may borrow money and advance the same for the construction of such work and improvement; and, after the completion of such work and assessment of the cost thereof shall have been made final, the said legislative body may then issue and sell certificates as hereinbefore provided in such amounts as may be necessary to pay two-thirds of the cost of said improvements, including such amounts as may be borrowed for that purpose, and all interest and other expenses so incurred for the construction of said improvements, as hereinbefore provided, shall be charged and assessed as a part of the cost of such improvements upon the property assessed for the same. But said legislative body may provide in the ordinance ordering the improvement to be constructed, or in the agreement with the contractor by whom it is to be done, for the issue of all or a part of such certificates directly to the contractor, at not less than par value in part or in full payment of the contract price, in which case the certificates shall be delivered to the contractor upon completion and acceptance of the work and allowance of the final estimate.¹

May issue
direct to
contractor.

Separate fund. (§ 140.) Sec. 10. The proceeds arising from the collection of assessment levied for each improvement shall be and constitute a separate and distinct fund, and each such fund, together with its accumulations, is hereby pledged for the payment of the certificates and interest coupons issued for the improvement, from the assessment of which said fund arises, and shall be applied exclusively to the payment of said certificates and coupons.²

It shall be the duty of the Treasurer or Tax Receiver of such municipality to keep an accurate account of all funds

¹ Section 9a, original Section 9 of Chapter 341, Acts of 1907, same being amended in part by Section 9 preceding.

² Paragraph 1 of Section 10, Chapter 341, Acts 1907, amended by Senate Bill 282, Acts 1909, Section 5 (Section 9 in this Article).

arising from all assessments for public improvements under this act, and to carefully and accurately keep a separate account of the funds arising from the collection of assessments for each particular improvement, and no proceeds arising from assessments levied for one improvement shall be diverted to the payment of the certificates issued for any other improvement, or to the payment of any other indebtedness of such municipality; *provided, however,* that if at any time the amount of any particular fund shall exceed the amount of any outstanding certificates and interest entitled to payment out of such fund after the payment of any sum that such municipality may have advanced or borrowed for the purpose of constructing said improvement, the legislative body of said municipality shall apply such surplus to the redemption of certificates issued for such improvements as hereinbefore provided, and all certificates so redeemed shall be canceled; *provided, further,* that said legislative body shall have the power, after the expiration of sixty days from the date of the final assessment for any improvement, if no certificates of indebtedness for said improvement have been issued and sold, to order the payment out of the proper fund to the contractor who constructed the improvement of all or any part of the assessment for said improvement previously collected, or to reimburse from said collection the general funds of the city to the extent of any money advanced out of the general fund or borrowed to pay the cost of said improvement, and to issue and sell certificates as hereinbefore provided, either to the contractor in full settlement, or to others, to an amount not exceeding the balance due the contractor and the general fund of the city, or borrowed for such purpose. If there shall be any surplus arising from the sale of certificates issued for any improvements above the cost of said improvement, said surplus shall be and become a part of the fund levied for said improvement, and shall be kept and applied in the manner as said fund is herein required to be kept and applied. All pro-

Separate accounts to be kept.

Certificates to be retired.

Fund may be paid direct to contractor.

Public improvement fund kept separate from general fund.

Officers causing diversion of fund personally liable.

ceeds arising from the collection of assessments levied for an improvement shall, as soon as collected, be deposited by the City Treasurer or Tax Receiver, in some bank designated by the legislative body of such city, and such collection shall not be deposited with the general funds of the city, but shall be considered a separate deposit to the account of "Public Improvement," and shall be drawn out on checks or order directing the amount designated therein to be paid out of the public improvement fund. The City Treasurer or Tax Receiver shall be liable on his official bond to any holder of the certificates of indebtedness authorized by this act for any loss or injury to such certificate holder caused by the diversion by said officer of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the certificates and interest coupons and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer of any part of the fund out of which said certificates are required and contemplated herein to be paid for any other purpose than herein provided for, or for the benefit of the city or others; and all members of said legislative body who shall by their vote, or in any other manner, cause, aid or encourage any such diversion, use or misappropriation of the fund out of which the certificate holders are entitled to be paid for any other purpose than that authorized and required herein whereby loss or injury to the certificate holders, or any of them, is caused, shall be jointly and severally liable to such certificate holders injured to the extent of such loss or injury.

Redemption.

(§ 141.) Sec. 11. When the amount of the fund arising from the collection of assessments levied for any improvement shall, with its accumulations, equal the amount of the outstanding certificates and accrued interest entitled to payment out of such fund, the legislative body of such municipality shall have authority to redeem any and all certificates that may be presented

for redemption at such time thereafter as the holders may desire to present them for redemption.

(§ 142.) Sec. 12. Such legislative body shall have authority to sell all property against which an assessment has been levied at any time after said assessment shall have become due to satisfy the same, together with all costs, and such sale shall be governed as to notice, terms, costs and in all other respects, except as to the time of sale, by the laws and ordinances of such municipality now in force, or which may hereafter be enacted, providing for the sale of real estate for city taxes. But such legislative body shall have power to adopt other and different laws and ordinances governing and regulating such sales of real estate for said assessments, and, in addition to such remedy by sale for the enforcement of the collection of said assessment, the lien of said assessment, irrespective of the amount thereof, may be foreclosed by a proceeding instituted in any court of competent jurisdiction, and in all such proceedings any number of persons, the assessments against whose property are in default, may be joined as defendants; *provided*, that after maturity of any of the certificates of indebtedness issued for any improvement, the holders of the outstanding certificates, or any of them, may maintain a bill of equity in his or their name to foreclose the lien of said assessment, irrespective of the amount thereof, and may recover interest, costs and reasonable attorneys' fees; and in such bill any number of persons, the assessments against whom are in default, may be joined as defendants. In such suits the lien shall be foreclosed for the whole amount of the unpaid assessment against the property of said defendant, and the recovery shall inure to the benefit of all the certificate holders.

Sale as for city taxes.

May sell by court proceeding.

Certificate holders may maintain bill.

(§ 143.) Sec. 13. If any assessment levied on property for any improvement authorized by this act be declared invalid, by reason of some mistake or irregularities in the proceeding,

Reassessment, if original, invalid.

the legislative body of said municipality shall have power, at any time before the expiration of three years from maturity of the certificates issued for the improvement for which assessment was levied to reassess said property; and may, when necessary, reassess all property abutting upon the street, highway or alley improved, the assessment for which has not been paid.

Proportion to
be paid by
railroads.

(§ 144.) Sec. 14. Should there be a street, electric or steam railroad track or tracks on any street, alley or highway improved under this act, the cost of such improvements between the rails and the spaces between such tracks and two feet beyond the outer rails, including switches and turnouts, shall be paid by the owners of such railroads, and shall be assessed and collected from such owner, and shall be a lien upon the railroad and the property used in connection therewith; and, in the event a culvert be constructed, which drains streets or highways on which there is a street, electric or other railroad, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such culvert, to be determined by such legislative body, and such assessment shall be a lien like other assessments, and may be collected in like manner; *provided, however*, that where any such railroad shall occupy any street, alley or highway under ordinance or contract with the municipality it shall pay or improve according to the provisions of such ordinance or contract.

Does not af-
fect sidewalk
improvement.

(§ 145.) Sec. 15. Nothing in this act shall be so construed as to take from the legislative body of any municipality, or in any way affect its power or authority to compel property owners, by penal ordinance or otherwise, to repair the sidewalks in front of their property in such manner and with such materials as may be directed, and under supervision of the City Engineer or other officer or agent of the city, or to cause such repairs to be made at the expense of the property owner.

(§ 146.) Sec. 16. Whenever, in the judgment of the legislative body of such municipality, it may be necessary or expedient for the carrying out and full exercise of the powers thereby granted, said municipality shall have full power and authority to acquire, by purchase or condemnation of the necessary lands or rights or easements, and may proceed to condemn in the manner provided by the general laws of the State governing the taking of land or the acquiring of an interest therein for the uses for which private property may be taken, and such proceedings may be governed in every respect by the general laws of the State pertaining thereto.

Right of eminent domain.

(§ 147.) Sec. 17. The full faith and credit of any municipality issuing certificates of indebtedness to pay for improvements under the provisions of this act is hereby pledged for the payment of such certificates, with interest, according to their tenor.

(§ 148.) Sec. 18. Whenever any improvement is made, under the provisions of this act, for which it is herein provided that two-thirds of the cost thereof shall be paid by the owners of abutting real property, the municipality within whose corporate limits such improvement is made shall pay the remaining one-third of such cost out of any funds available or provided for that purpose.

City pay —how.

(§ 149.) Sec. 19. In the event a petition be presented to the legislative body of the municipality averring the willingness of each of the signers to pay his or her *pro rata* share of the entire cost of any improvement such as is authorized by this act and relieve the municipality from the payment of any part thereof as to any street, highway or alley or part or parts thereof, which petition is signed by the owners of at least seventy-five *per centum* of the frontage of the lots or parcels of land abutting on such street, highway or alley or part or parts thereof proposed to be thus improved, such petition may be granted by the legislative

Petitions for improvement signed by 75 per cent of property owners. Bonds may issue for entire cost, etc.

body, and thereupon proceedings may be had under this act the same in all respects as if the improvement had been begun by the legislative body on its own initiative, and bonds or certificates of indebtedness may be issued and assessments may be made, except that the assessments shall, in such event, be made for the entire cost of the improvement and bonds or certificates of indebtedness may be issued for the entire cost, instead of assessments being made and bonds or certificates of indebtedness being issued for only two-thirds of the cost thereof; *provided*, that no assessment under this section shall, in any event, exceed on any lot one-third of the assessed value of such lot for municipal taxes for the current year, and all other provisions of said Chapter 341, as amended by this act, shall be applicable in respect of any improvement made under this section, except as in this section otherwise expressly provided. This section is hereby declared to be separate from the remainder of the act, and the validity or invalidity of this section shall not affect the remainder of the act.¹

Assessment
not to exceed
one-third of
assessed value
of any one lot.

Compensa-
tion of
Tax Receiver.

(§ 150.) Sec. 20. *Be it further enacted*, That the said City Tax Receiver or Treasurer herein provided for shall receive the same compensation for collecting the moneys herein provided for as he does for collecting other city taxes, and said City Tax Receiver or Treasurer may appoint one clerk at a salary not to exceed one hundred dollars (\$100) per month, said salary to be paid out of the moneys collected under this act, and said salary to begin at the discretion of the municipal council.

Clerk.

Ordinances
under this
act—how
passed, pub-
lished.

(§ 151.) Sec. 21. *Be it further enacted*, That in case the legislative body of any municipality falling within the provisions of said Chapter 341 of the laws of 1907 has two branches, then any ordinance to be passed under said Chapter 341, or under said Chapter 341 as amended by this act, may be passed by the two branches in joint session upon two readings, one reading being

¹ Section 19, Acts 1907, as amended by Senate Bill 282, Acts 1909.

on each of two separate days, the ordinance to be approved by the Mayor or passed over the veto of the Mayor by a vote of not less than two-thirds of the total number of members-elect of the joint session, and neither such ordinance nor the bill for the same need be published at any time before passage, and after passage the ordinance need be published only once in some daily newspaper published in the municipality; *provided*, that the ordinance required in Section 4 of this act to be passed need not itself be published, but only notice thereof as provided in Section 4. Any ordinance or orders made at or after any hearings given by any such joint session with respect to the matters mentioned or provided for in said Chapter 341 of the laws of 1907, or in said Chapter 341 as amended by this act, shall be valid without any separate action by each chamber. Votes in any joint session provided for in this act shall be taken by the members of both branches voting together as one body, in which each member of either branch is entitled to one vote. A majority of the total membership-elect of both branches shall be a quorum of the one joint body.

(§ 152.) Sec. 22. *Be it further enacted*, That in case a lot or parcel of land against which any assessment has been or shall be made or attempted to be made, as provided for in Section 6, or other parts of said Chapter 341 of the laws of 1907, or said Chapter 341 as amended by this act, is not fully described in any assessment book, ordinance or notice, or in any other place or proceeding, then, in order to fix the identity of the lot or parcel, reference may be had to any plat, petition or other document or paper on file in the proceedings for the making of the improvement or for the assessment of the land, or evidence *aliunde* may be heard or vagueness of description or misdescription or want of description shall not defeat the lien on any lot or parcel of land for its proportion of the assessment for any such improvement on the street, alley or highway or part or parts thereof abutting on such lot or parcel of land.

Vagueness of description; identity determined—how.

Not to defeat lien.

Cost of re-laying sewers, or laying new lines of pipe; drainage, oiling streets, etc., may be included in cost of improvement.

(§ 153.) Sec. 23. *Be it further enacted*, That in case, in the opinion of the legislative body, it becomes necessary or proper, in the making of any such improvement on any street, highway or alley or part or parts thereof, for the municipality either itself to relay, or through a water company to cause to be re-laid, any water pipes or to lay new water pipes, or it becomes necessary or proper for the municipality to relay sewer drains or build new sewers or for water or sewer connections to be repaired or replaced or otherwise reconstructed or improved, or it becomes necessary or proper to provide for drainage or oiling of the street improvement, or it becomes necessary or proper to make other improvements, then the cost of any and all such improvements, or any part thereof, may, in the discretion of the legislative body, be included in the cost of the improvement, two-thirds of which cost may be assessed against the abutting property, as provided in said Chapter 341, or in said Chapter 341 as amended by this act.

Power to levy assessments to continue; proceeds pledged for payment of bonds.

(§ 154.) Sec. 24. *Be it further enacted*, That in the event of the issuance of bonds as in this act provided, or in the event of the issuance of certificates of indebtedness as provided in said Chapter 341 of the Acts of 1907, or as provided in said Chapter 341 as amended by this act, or in the event of the issuance of some bonds and of some certificates of indebtedness, the power and authority to levy assessments as provided in said Chapter 341 of the Acts of 1907, or as provided in this act as the case may be, shall continue to exist, and the proceeds arising from the collection of assessments shall be and are hereby pledged for the payment of such bonds and interest or such certificates and interest as the case may be and shall be applied to that purpose. It shall be the duty of the legislative body of the municipality to ascertain in due season, in advance of the time for the payment of the principal or interest or both of any and all such certificates of indebtedness already issued or hereinafter issued, and in advance of the time for the payment of the principal or interest or both of any such bonds, whether

Council to ascertain in advance moneys on hand to meet principal and interest, etc.

or not there is or will be sufficient moneys provided by the assessments levied and actually collected and in the treasury of the municipality set apart for the payment of the principal and interest of such certificates of indebtedness and bonds as the same respectively from time to time become due; and it shall be the duty of the legislative body of the municipality, in due season in advance, to levy an *ad valorem* tax upon all the taxable property in the municipality sufficient to pay the principal and interest of such certificates and such bonds as they respectively become due from time to time or to pay such part or parts thereof as are not or will not be fully provided for by the assessments levied and actually collected and in the treasury of the municipality in season for the payment of the principal and interest of such certificates of indebtedness and bonds as the same respectively from time to time become due. In case the municipality shall levy and collect *ad valorem* taxes for the purposes of paying the principal and interest of any certificates of indebtedness or bonds, or any part thereof, the municipality shall nevertheless have the power and authority to proceed with the levy and collection of assessments, and such assessments or part thereof sufficient for the purpose shall be paid into the treasury of the municipality to reimburse the treasury for the amount thus paid out of such *ad valorem* taxes, and such moneys thus reimbursed to the treasury shall be used under the direction of the legislative body of the municipality for any lawful corporate purpose for which *ad valorem* taxes may legally be levied and collected.

May levy tax to meet principal and interest.

Assessments to reimburse city may be used for other purposes, etc.

(§ 155.) Sec. 25. *Be it further enacted*, That any failure on the part of any municipality to comply with any of the provisions of said Chapter 341 of the laws of 1907, or said Chapter 341 as amended by this act, and any failure in the existence or performance of any of the conditions precedent to the issuance of any certificates of indebtedness or bonds under said

Curative act.

Chapter 341, or under said Chapter 341 as amended by this act, shall not affect the validity of such certificates of indebtedness or bonds or of the assessments made under said Chapter 341, but the same shall be, in all respects, valid and binding. Any certificates of indebtedness heretofore issued or hereafter issued under said Chapter 341, or said Chapter 341 as amended by this act, shall be, and are hereby, declared to be the absolute obligations of the municipality by which issued. In the event that for any reason the amount of the assessments levied and actually collected and set apart in the treasury of the municipality for the payment of principal and interest of any such certificates of indebtedness shall not be sufficient to make such payment, the legislative body of the municipality shall be, and is hereby, authorized and directed to levy and collect, in addition to all other taxes authorized by law, an *ad valorem* tax upon all the taxable property in such municipality sufficient to provide for the payment of the principal and interest of such certificates as the same becomes due.

Improvements
begun prior
to passage of
this act may
be completed
—how.

(§ 156.) Sec. 26. *Be it further enacted*, That any proceedings already commenced under said Chapter 341 of the laws of 1907, may be carried to a conclusion under said chapter as originally enacted, notwithstanding the amendment to said Chapter 341 by this act, and notwithstanding the repeal of certain sections of said Chapter 341 by this act, the same in all respects as if said Chapter 341 should stand without any amendment or repeal or any proceedings already begun under said Chapter 341 may be carried to a conclusion partly under said Chapter 341 as originally enacted, and partly under Chapter 341 as amended by this act, and as partly repealed by this act, and in such event either certificates of indebtedness or bonds may be issued, as the legislative body of the municipality may, in its discretion, determine; or in case any proceedings have been begun under said Chapter 341, such proceedings may be carried on wholly under the provisions of said Chapter 341, as amended by this

act, and as partly repealed by this act, and in such event either bonds or certificates of indebtedness may be issued in accordance with the provisions of this act.¹

CHAPTER 587, ACTS 1909.

(§ 156a.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, for the purpose of enabling the City of Memphis to improve its streets, alley and highways, and to build sewers therein, said city is hereby authorized, by and through its Legislative Council, to issue one million (\$1,000,000.00) dollars of negotiable coupon bonds, which said bonds and coupons may be made payable at such place or places within or without the State, as the said Legislative Council may determine; shall mature in not less than twenty nor more than fifty years from date; may be made payable, principal and interest, in legal tender of the United States; and the interest thereon, which shall not exceed four and one-half *per centum* per annum, shall be payable semi-annually, the interest to be evidenced by coupons attached to the bonds. Said bonds may be issued in denominations of \$500.00 or \$1,000.00, and at such time or times as may be ordered by the Legislative Council, and shall be signed by the Mayor and City Register, and the coupons attached thereon shall bear the lithographed signature of the said Mayor. *Provided*, that not more than \$425,000 of said bonds may be issued and sold during the year 1909, out of which the overcheck in the Engineering Department on January 1st, 1909, is to be paid, and the balance to be used for new work in 1909; and, *provided further*, that the balance of said bonds provided for herein at such times after January 1st, 1910, and in such amounts as the Council may determine.

Bonds to improve streets, build sewers, etc.

Term.

Interest.

Proceeds—how applied.

(§ 156b.) Sec. 2. Said bonds shall be sold at public or private sale, by order of the Legislative Council, at such times and

Sale of bonds.

¹ Sections 1, 4, 5, 9, 19, 21, 22, 23, 24, 25 and 26 are amendments of 1909 Senate Bill 282; the remaining sections are Chapter 341 of the Acts of 1907.

places, and in such manner as it deems best; *provided* none of said bonds shall be sold at less than par and accrued interest; but nothing in this act contained shall be taken as prohibiting said city from paying reasonable brokerage to the purchaser or others from the sale of the bonds under this act, *provided* such Commission. brokerage shall not exceed one-eighth of one per cent. on the amount sold.

(§ 156c.) Sec. 3. *Be it further enacted*, That said bonds may in form be substantially as follows:

UNITED STATES OF AMERICA,

STATE OF TENNESSEE,

CITY OF MEMPHIS.

IMPROVEMENT BONDS.

No..... \$.....

Form of
bonds.

Know all men by these presents that the City of Memphis, a municipal corporation organized and existing under the laws of the State of Tennessee, hereby acknowledges itself indebted and promises to pay bearer the sum of (\$.....) dollars on the.....day of 19...., with interest thereon at the rate of.....per cent. per annum, payable semi-annually on the.....day of....., 19...., and day of....., 19...., on presentation and surrender of the coupons hereto annexed as they severally become due, both principal and interest, in lawful money of the United States of America, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the.....in the city and State of New York.

This bond is one of a series of bonds issued for the purpose of improving the streets, alleys and highways of said city and building sewers therein, pursuant to Chapter.....of the Acts of Tennessee for the year 1909. This bond is issued under and pursuant to, and in strict conformity with, the Constitution and statutes of the State of Tennessee and charter of the said

City of Memphis, and amendments thereto, and ordinances or proceedings duly passed and adopted.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist, happen and be performed precedent to and in the issuance of this bond, have been done, have existed, and have happened and been performed in regular and due form and manner, as required by the Constitution and statutes of said State and the charter of said city; and that this bond, together with all other indebtedness of said City of Memphis, does not exceed any limit prescribed by the Constitution or statutes of said State or charter of said city.

The full faith and credit of said City of Memphis is hereby pledged for the payment of the principal and interest of this bond, as the same respectively becomes due; and for the levy and collection of sufficient taxes for that purpose.

Credit of
city pledged
for payment.

In witness whereof, said City of Memphis has caused this bond to be signed by its Mayor and the City Register, and the corporate seal of said city to be affixed hereto, and the coupons attached to this bond to bear the engraved or lithographed signature of the Mayor, and this bond to be dated the..... day of.....19....

.....Mayor.

.....City Register.

FORM OF COUPON.

No.....

\$.....

Form of
coupon.

On the.....day of.....19...., the City of Memphis, State of Tennessee, will pay to bearer dollars, lawful money of the United States, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the.....in the city and State of New York, being six months interest then due on Improvement Bonds of said city, dated.....19....

No.....

.....Mayor.

Signatures on
bonds valid.

In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds.

Proceeds—
how to be
used.

The moneys arising from the sale of the bonds herein authorized shall be used by the Legislative Council in such manner as may be prescribed by ordinance to improve the streets, alleys and highways of the city, and to build sewers therein, and for no other purposes whatever, but the purchasers of said bonds from the city shall not be bound to see to the application of the purchase money.

May or may
not be sub-
ject to call.

(§ 156d.) Sec. 4. The bonds herein authorized to be issued may or may not be subject to call, as the Legislative Council may determine; and, if subject to call, the time, manner and details thereof shall be determined by said Council, and the form of bond herein prescribed shall be modified accordingly.

Levy tax
to meet
interest.

(§ 156e.) Sec. 5. *Be it further enacted*, That, for the purpose of securing the payment of the interest and principal on and of the bonds herein authorized to be issued, said city, by its Legislative Council, or any other governing body or legislative agency that may be substituted therefor, shall have full and irrevocable power, and is hereby ordered to levy and collect, in addition to all other taxes authorized by law, an annual tax sufficient to meet the interest thereon as it matures, and like power to levy and collect a tax sufficient to pay the principal thereof as the same shall mature.

The faith of the State is hereby pledged to the levy of the taxes as hereby provided, and to the continued existence of the power and duty of said city to levy and collect sufficient taxes to pay the interest and principal of said bonds as the same respectively mature.

(§ 156f.) Sec. 6. This act shall, without reference to any other act of the General Assembly of Tennessee, be full authority to the City of Memphis to issue and sell bonds as in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of *bona fide* purchasers for value. All acts and parts of acts, general or special, so far as they are inconsistent with this act, are hereby repealed. No proceedings on the part of said city in respect of the issuance of any such bonds shall be necessary, except such as are required by this act.

Bonds have all qualities of negotiable paper under the law merchant.

Passed April 29, 1909.

CHAPTER 356, ACTS 1909.

POLICE STATION BONDS.

(§ 157.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dwight M. Armstrong, H. E. Craft and Dave Halle, all citizens and residents of the City of Memphis, shall constitute a commission which shall be known as the Police Station Building Commission. The said Dwight M. Armstrong, H. E. Craft and Dave Halle shall constitute said Commission and serve thereon until the police station building provided for herein shall have been completed and turned over to the City of Memphis. In the event of the death, resignation or failure to serve or qualify of any one or more of said Commissioners, the Mayor of the City of Memphis shall appoint a man, who shall be a citizen and taxpayer of the City of Memphis, to take the place of the one so failing to serve or qualify.

Police Station Building Commission.

Vacancy—how filled.

(§ 157a.) Sec. 2. Said Police Station Building Commission-ers shall, at their first meeting, and annually thereafter, elect a Chairman and Secretary from their number, who shall serve for one year. Said Chairman and Secretary shall alone be authorized, upon their direct warrant or check, to draw out of

Organization.

Checks—by whom drawn.	the depositories the proceeds arising from the sale of the bonds hereinafter provided for; and no check shall be drawn until approved and ordered by said Police Station Building Commission; and the Secretary shall keep a neat, well bound and accurate set of books, showing the amount in the hands of the depositories arising from the sale of said bonds, and also showing the date, amount and purpose for which said fund is checked out of said depositories. The Secretary of said Police Station Building Commission shall receive as his compensation the sum
Salary.	of fifteen hundred dollars (\$1,500.00) per annum; and each of the other members of said Commission shall receive the sum of one thousand dollars (\$1,000.00) per annum, same to be paid out of the fund arising from the sale of said bonds hereinafter provided for. But said compensation shall not commence until the Legislative Council shall order said bonds issued as herein provided and an architect has been employed. Each of said Police Station Building Commissioners shall give a good and
Bond.	solvent bond in the sum of ten thousand dollars (\$10,000.00), payable to the City of Memphis, conditioned for the faithful performance of their duties. The said ten thousand (\$10,000.00) dollars bond may be made by a bonding company, and the premium thereon, for each Commissioner, may be paid out of the fund arising from the sale of said bonds.
Duties.	(\$ 157b.) Sec. 3. It shall be the duty of said Police Station Building Commission, from the proceeds of the sale of the bonds hereinafter provided for, to build and erect said police station, and to attend to the building of the same until completed. Said
Proceeds of sale.	police station shall be erected by said Police Station Building Commission on such portion of the lot, parcel or tract of land owned by the City of Memphis, in the block bounded by Adams, Second and Washington streets, in said city, as may be determined and deemed best by said Police Station Building Commission.
Building— where to be erected.	Said Police Station Building Commission is authorized to procure a competent architect, and to pay him out of the police
Architect.	

station fund. Said Commission is directed to advertise for at least sixty (60) days for bids on the plans and specifications which shall have been agreed upon by them.

(§ 157c.) Sec. 4. For the purpose of building said police station, and for the purpose of erecting a new fire engine house and tearing down an old one, if said Police Station Building Commission shall determine to build said new fire engine house and tear down an old one, as hereinafter provided, said City of Memphis is hereby authorized, by and through its Legislative Council, sitting in joint session, to issue two hundred and sixty thousand (\$260,000.00) dollars of coupon bonds, and to turn same over to said Police Station Building Commission for sale. Said bonds shall be coupon bonds of one thousand dollars (\$1,000.00) denomination, payable in not less than twenty (20) nor more than forty (40) years from date, and shall bear interest at the rate of not more than four and one-half (4½) per cent. per annum, payable semi-annually, which interest shall be evidenced by coupons. Both bonds and coupons shall be payable at such place or places as the Legislative Council, sitting in joint session, may deem best. Said bonds shall be signed by the Mayor and City Register, and bear the seal of the City of Memphis. Said coupons shall bear the *fac simile* signature of the Mayor. If the said Police Station Building Commission shall so request, and the said Legislative Council, sitting in joint session, shall have the authority, in the exercise of its sound discretion, not to issue all of said two hundred and sixty thousand (\$260,000.00) dollars of bonds at one time, but may, in its discretion, and upon the request of said Police Station Building Commission, issue said bonds in such amounts and at such time or times as may be deemed best; but in no event shall more than two hundred and sixty thousand (\$260,000.00) dollars of bonds be issued under the provisions of this act, Said bonds and coupons shall be in substantially the following form:

Fire engine house.

Bonds.

Term.

Interest.

Where payable.

May issue part of bonds.

UNITED STATES OF AMERICA,

STATE OF TENNESSEE,

CITY OF MEMPHIS.

POLICE STATION BONDS.

No..... \$.....

Form of
bond.

Know all men by these presents that the City of Memphis, a municipal corporation organized and existing under the laws of the State of Tennessee, hereby acknowledges itself indebted and promises to pay to bearer the sum of..... (\$.....) dollars on the day of 19...., with interest thereon at the rate of per cent. per annum, payable semi-annually on the day of.....and.....day of....., on presentation and surrender of the coupons hereto annexed as they severally become due, both principal and interest, in lawful money of the United States of America, at the City Hall in Memphis, Tennessee, or at the option of the holder at the.....in the city and State of New York.

This bond is one of a series of bonds issued for the purpose of building a police station in the City of Memphis, pursuant to Chapter.....of the Acts of Tennessee for the year 1909. This bond is issued under and pursuant to, and in strict conformity with, the Constitution and statutes of the State of Tennessee and charter of said City of Memphis and amendments thereto, and ordinances or proceedings duly passed and adopted. It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist, happen and be performed precedent to and in the issuance of this bond have been done, have existed and have happened and been performed in regular and due form and manner, as required by the Constitution and statutes of said State and the charter of said city, and that this bond, together with all other indebtedness of said

City of Memphis, does not exceed any limit prescribed by the Constitution or statutes of said State or charter of said city.

The full faith and credit of the City of Memphis is hereby pledged for the payment of the principal and interest of this bond, as the same respectively become due, and for the levy and collection of sufficient taxes for that purpose.

In witness whereof said City of Memphis has caused this bond to be signed by its Mayor and the City Register, and the corporate seal of said city to be affixed hereto, and the coupons attached to this bond to bear the engraved or lithographed signature of the Mayor, and this bond is to be dated the.....
.....day of....., 19....

.....Mayor.

.....City Register.

FORM OF COUPON.

No..... \$..... Form of coupon.

On the.....day of....., 19...., the City of Memphis, State of Tennessee, will pay the bearer dollars lawful money of the United States, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the.....in the city and State of New York, being six months interest then due on Police Station Bond of said city, dated....., 19....

No.....
.....Mayor.

In case such officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of said bonds.

(§ 157e.) Sec. 5. The City of Memphis is authorized to pledge its full faith and credit for the payment of the principal and interest of the bonds herein authorized, according to their tenor. And it shall be the duty of the Legislative Council of

Faith of city pledged for payment.

the City of Memphis, in addition to all other taxes authorized by law, to levy a tax to pay said bonds and coupons at their maturity.

(§ 157*b*.) Sec. 6. Said Police Station Building Commission is hereby authorized and empowered to sell said bonds for not less than par, at such times and places and in such manner as it deems best. Nothing in this act, however, shall be taken as prohibiting said Commission from paying reasonable brokerage for the sale of said bonds under this act, but in no instance shall such brokerage exceed one-eighth of one per cent. on the amount issued and sold. The proceeds of these bonds, when sold, are to be turned over to the depositories selected by said Police Station Building Commission, and the depositories shall give bond, with good and solvent surety, to secure said funds and the faithful performance of their duties regarding the same; the amount and condition of said bond to be fixed by said Police Station Building Commission.

(§ 157*g*.) Sec. 7. All proper expenses, including the expense necessarily incurred in the sale of said bonds, and all proper expenses in the erection of said building shall be paid out of the funds arising from the sale of said bonds.

(§ 157*h*.) Sec. 8. Votes in any joint session of the Legislative Council provided for in this act shall be taken by the members of both branches voting together as one body, in which each member of either branch is entitled to one vote. A majority of the total membership-elect of both branches shall be a quorum of the one joint body.

(§ 157*i*.) Sec. 9. This act shall, without reference to any other act of the General Assembly of Tennessee, be full authority to the City of Memphis to issue and sell bonds as in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale

thereof, and shall be incontestable in the hands of *bona fide* purchasers for value. No proceedings on the part of said city in respect to the issuance of any such bonds shall be necessary, except such as are required by this act.

(§ 157j.) Sec. 10. Said Police Station Building Commission is hereby authorized, if, in their discretion, they shall see fit to do so, out of the funds realized from the sale of said bonds herein provided, to tear down the fire engine house located at the corner of Adams and Second streets, in the City of Memphis, being on a part of the lot or tract of land belonging to the city bounded by Adams, Second and Washington streets, in said city, and above referred to in this act, and to erect a new fire engine house on the site now occupied by the old one, or any other part of said lot or tract of land belonging to the city, bounded by Adams, Second and Washington streets, in said city, above referred to in this act, and to erect a new fire engine house on the site now occupied by the old one, or on any other part of said lot or tract of land belonging to the city as in their judgment and discretion seems best; but in no event shall said new fire engine house cost more than fifteen thousand dollars (\$15,000.00).

May tear down fire engine house, etc.

Cost of engine house.

(§ 157k.) Sec. 11. In the event the said Legislative Council shall fail to issue the bonds herein provided for before January 1st, 1910, and in the event said Legislative Council shall be succeeded by another legislative agency known as the "Board of Commissioners," as provided for in an act of the General Assembly of the State of Tennessee, at its 1909 session, amending the charter of the City of Memphis, or is succeeded by any other legislative agency, then, and in that event, all the powers, duties and authority herein conferred upon the said Legislative Council shall vest in and may be exercised and performed by said "Board of Commissioners," or such other legislative agency which shall take the place of said Legislative Council, as fully and com-

"Board of Commissioners" may exercise powers—when.

pletely as the same are authorized by this act to be performed by said Legislative Council, and in the event that any of the officers whose signatures are called for or required under the provisions of this act shall, after January 1st, 1910, be designated by a different name or title, the signatures of the officers, by whatever title called, who shall perform the duties corresponding to the duties of the officers whose signatures are called for herein shall be sufficient.

(§ 157L.) Sec. 12. All acts and parts of acts, general and special, so far as they are inconsistent with this act, are hereby repealed.

Passed April 27th, 1909.

CHAPTER 374, ACTS 1909.

HOSPITAL FOR COMMUNICABLE DISEASES.

Levy special
tax.

(§ 158.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Legislative Council of the City of Memphis, in its discretion, or the proper legislative body or agency which shall succeed to the functions and duties of said Legislative Council, in its discretion, is hereby authorized and empowered to levy a special annual tax of one-fourth of one per cent. on the one hundred (\$100.00) dollars of taxable property in the City of Memphis, real and personal, including every description of property which is now subject to taxation under the law, for the purpose of establishing and maintaining a hospital in the said City of Memphis for the treatment of communicable diseases.

Tax—when
due, etc.

(§ 158a.) Sec. 2. The said tax hereby authorized to be levied shall become due and be collected at the same time and in the same manner and by the same officers as the other taxes imposed by or for the City of Memphis, with like liens and remedies for the collection and penalties for the non-payment thereof and upon the same assessments and valuations.

(§ 158b.) Sec. 3. Upon the collection annually of the said taxes herein provided for, the sum realized therefrom shall be expended by the said Legislative Council, or the proper legislative body which shall succeed said Legislative Council, for the purpose of establishing and maintaining a hospital for the treatment of communicable diseases as above provided.

Establish
communi-
cable disease
hospital.

(§ 158c.) Sec. 4. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it, and that all laws in conflict with this act be, and the same are hereby, repealed.

Passed April 27th, 1909.

CHAPTER 480, ACTS 1909.

DRAINAGE REGULATIONS.

A BILL to be entitled an act to amend Chapter 11 of the Acts of 1879, entitled "A bill to establish Taxing Districts in this State, and to provide the means of local government for the same, approved January 31st, 1879, and all acts amendatory thereof."

(§ 159.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That power is hereby conferred upon the Legislative Council of the City of Memphis, where, in the judgment of said Legislative Council, it is necessary to have drains, ditches or culverts opened or constructed through private property to carry surface water according to the natural flow thereof, to order the owner or owners to construct proper ditches or to lay drain pipes or culverts for the purposes aforesaid. In making the order the Legislative Council shall cause notice of the order to be given to the owner or owners of the property, stating a time within which work must be commenced, and that it must be prosecuted to completion within a reasonable time.

To require
owners to con-
struct ditches
and lay drain
pipes through
property.

Violation a
misdemeanor.

(§ 159a.) Sec. 2. The failure to comply with such order of the Legislative Council shall be a misdemeanor punishable by a fine of not less than one dollar nor more than fifty dollars, and an additional or cumulative remedy is likewise given the city upon failure of the owner or owners to comply with such order to have the work done by the city at the cost of the owner, a bill for which is to be rendered the owner or owners, and, in case of failure to pay the same, the City Attorney shall sue for the amount thereof in any court having jurisdiction, and the amount shall be and constitute a lien upon the property through or upon which the improvements are made.

City may do
work—cost
of owner
lien on
property.

Passed April 28th, 1909.

ARTICLE 19.

ELECTRIC LIGHTING PLANT AND GAS PLANT.

(RIGHT TO ISSUE BONDS, BUILD, OPERATE AND MAINTAIN.)

May build or
purchase
electric light
plant.

(§ 160.) Section 1. The Taxing Districts organized under the Acts of 1879 are authorized to purchase or build, and to maintain and to operate an electric light plant, including all necessary grounds therefor, engines, boilers, lamps and lamp fixtures, poles, wires, and other appurtenances usual to such a plant, for the purpose of lighting the streets, alleys, squares and other public grounds and places within said districts.

How paid for.

(§ 160a.) Sec. 2. Said plant, whether built or bought by said district, shall be paid for exclusively out of tax levied, or to be levied, for public lighting. That no general liability against said Taxing District shall be created in the construction and purchase of said plant, but the fund aforesaid, or any proportion thereof, that may be contracted against, shall be solely liable to pay the cost of building or purchasing said plant; *provided, however*, that the Board of Fire and Police Commissioners, for the purpose of paying for said plant, may use any balance remaining to the credit of, and not necessary for, either of the departments of the Taxing District.

(§ 160b.) Sec. 3. For the purpose of maintaining and oper- Operation of.
ating said electric light plant, said district may employ and
pay such electricians, engineers, linemen and other agents and
employes as may, in the judgment of the Legislative Council,
be necessary, the compensation of whom shall be fixed by the
Fire and Police Commissioners, and paid exclusively out of
the tax levied, or to be levied, for public lighting.¹

CHAPTER 172, ACTS 1905.

(§ 161.) Sec. 4. The City of Memphis is hereby authorized To manufac-
ture and dis-
tribute elec-
tric or gas
lights for
city's uses,
and to sell
same to inhab-
itants.
to manufacture and distribute gas or electric lights for use
in the public streets and buildings in said city, and for sale to
the inhabitants of said city, for their private use, to be paid
for by the said inhabitants at rates to be established by the
City Council, which shall be sufficient to reimburse the said city
the reasonable cost to furnish it, and all the inhabitants of the
said city are to have the same rights to be supplied with gas
or with electricity, without discrimination so far as it may be
reasonably practicable, and the capacity and extent of the work
which it is deemed expedient to maintain will permit.

(§ 161a.) Sec. 5. The said City of Memphis is authorized To build
and operate
plant, etc.
and directed to build and maintain and operate an electric light
plant and a gas plant, and to acquire all necessary ground there-
for, engines, boilers, lamps and fixtures, poles, wires, retorts and
other appurtenances usual to such plants, for the purpose of
lighting the streets, alleys, squares and public buildings of said
city and supplying the inhabitants thereof with gas and elec-
tricity. To employ and pay a superintendent and such electri- Employ su-
perintendent,
electricians,
engineers, etc.
cians, engineers, linemen and other agents and employes as
may be necessary. The compensation of such employes shall be
fixed by the Legislative Council in said city, and paid exclu-
sively out of the receipts from the sale of gas and electricity
and by the products of the gas plant.

¹ Sections 1 to 3 passed 1887, Chapter 64.

May issue
bonds.

(§ 162.) Sec. 6. In order to raise the means necessary to erect said electric light and gas plant and acquire by condemnation proceedings the lands necessary for the aforesaid plants, the right of eminent domain being herein and hereby vested in said city, the said city is authorized and empowered to issue its coupon bonds to the amount of one million (\$1,000,000) dollars, or so much thereof as may be necessary, bearing interest at the rate of four per cent. per annum, and maturing in thirty years, the interest payable semi-annually, in lawful money of the United States, and to secure the payment of the said bonds and the interest coupons, the said city is hereby authorized, empowered and directed to execute a trust deed conveying as security the electric light and gas plants, with all the property belonging thereto or appertaining thereto, of every kind, character and description, to three trustees and the survivors of them, with full power vested in said trustees, in default of the payment in the interest for ninety days, to advertise and sell the plants aforesaid, together with the franchise to operate the same for the period of said bonds, and out of the proceeds to pay the costs of foreclosure and the residue thereof to the holders of said coupon bonds, the security of said coupons and bonds being limited to the properties embraced in the trust deed, to secure their payment, and the general liability of the City of Memphis therefor being expressly excluded; *provided*, that the City Council may let the contracts to erect said plants to the lowest bidder, as in other contracts.

Bids.

(§ 163.) Sec. 7. The bonds shall be of the denomination of one hundred dollars, and immediately upon the Legislative Council of the City of Memphis passing the resolution to construct the electric light and gas plant, the Legislative Council shall advertise for bids for the said bonds, limiting the bids to citizens of the City of Memphis, said bids to be for cash, and limiting the amount of the bids of each citizen to one thousand dollars of said coupon bonds, the advertisement to be in a daily

paper of the City of Memphis for thirty days, bids to be received at the several banks of the City of Memphis and opened on a day fixed in the advertisement by the Legislative Council, and, thereupon, if there shall be a sufficient aggregate amount of the said coupon bonds subscribed to be taken by the citizens of Memphis as will be sufficient to construct said electric and gas plants, or to pay for the construction thereof, then there shall be an acceptance of said bids; *provided, however*, that each bid shall equal the par value of the bonds bid for, and in no event may a bid be accepted below the par value of the said bond.

If, however, the citizens of Memphis do not offer to take the amount of said bonds, as herein provided for, then the Legislative Council for the said City of Memphis shall advertise for bids generally, and without regard to the amount to be bid for by any one person, and in the event a sufficient amount is subscribed for to construct the said electric light plant and gas plant the bids shall be accepted, and the money realized from the sale of said bonds paid to the city upon the proper conveyance by the City of Memphis, and in the event of the construction and equipment of a new plant the City of Memphis is authorized to receive in installments of twenty per cent. the amount bid for the said bonds, and issue certificates to the bidders, and to apply the proceeds to the construction and equipment of the said plants; *provided*, said bonds shall not be sold for less than net par, but if it be necessary to employ a broker or agent to negotiate such sale, no more commission than three-eighths of one per cent. shall be paid.

Same.

Installments.

(§ 164.) Sec. 8. The Legislative Council of the City of Memphis is hereby required to establish by ordinance an absolute trust that will adequately protect the bidders who bid for the bonds in disbursement of the money paid in installments as herein provided to the end that the same shall be absolutely paid for the construction and equipment of gas and electric

May establish by ordinance a trust.

Trustees. plants in the said city under the provisions of this act, and in no wise diverting a dollar from these purposes, and just as soon as said plants are constructed and equipped to execute a trust deed to three trustees and their survivors conveying the entire plant, its property, appurtenances, fixtures and the franchise to operate the same for a period of thirty years as a security for the payment of said bonds. And, in order to afford security for installments paid by the said bidders upon the plant while it is in process of erection, and until the same has been completed and the trust deed thereon is executed, a lien is hereby declared in favor of those who may make advances to the city on account of their bond subscription upon all the lands and properties acquired for the said plants, as well as the franchise aforesaid.

Bonds of
employes.

(§ 165.) Sec. 9. Each and every one of the employes appointed by the Legislative Council, charged with the duties of conducting and managing the said plants or receiving and collecting from the inhabitants of the said city money for gas or electricity shall be required to give bonds in such penalties as the Legislative Council, by ordinance, may require.

Charge city
for its lights.

(§ 166.) Sec. 10. There shall be charged as against the City of Memphis sixty-five dollars per year for each and every one of the electric arc lights per annum, upon the streets, alleys and public places in said City of Memphis, and sixty dollars per annum for every gas light erected on said streets, alleys and public places, and twelve cents per thousand watts consumed of electric current, and one dollar per thousand feet of gas consumed in the public buildings in the City of Memphis.

Monthly
statement.

(§ 167.) Sec. 11. There shall be rendered to the City of Memphis a monthly statement of the electric light and gas bill at the rate specified in Section 7 of this act, and the amounts thereof charged against the said city, which amounts shall, by the said city, be credited to the electric and gas plants and

set apart as a sinking fund in that bank in the City of Memphis Sinking fund. that will pay therefor the highest rate of interest and secure the payment thereof by an undoubted bond, which said funds so deposited and interest thereon shall be held to take up the bonds authorized under this act at their maturity, and for the payment of interest coupons in the event that a sufficient income should not arise from other sources than the public light to pay the operating expenses of the plant and the fixed interest charged.

(§ 168.) Sec. 12. Private consumers in the City of Memphis shall not be charged higher rate for electricity and gas Rate of charges to private consumers. than is by the seventh section of this act required to be charged the City of Memphis for its public lights, but the Legislative Council shall reduce the prices to consumers when, in their discretion, the receipts will pay the cost of maintaining the plant, the necessary repairs, the sinking fund and interest coupons.

(§ 169.) Sec. 13. The Superintendent shall, on the first Monday in each and every month, furnish to the Legislative Council Superintendent—duties, etc. an itemized and sworn statement showing the receipts and disbursements of the plant under his charge, indicating on his said statement the cost of electricity and gas for the preceding month, the amount paid by private consumers, and the amount charged against the City of Memphis, and include in his said statement each and every item showing the expenditure of money on account of said plants.

(§ 170.) Sec. 14. Upon the passage of this act the Legislative Council of the City of Memphis shall immediately take such steps as shall be necessary to carry out its provisions and to install public plants for furnishing gas and electricity upon the streets, alleys, parks and other public places in and contiguous to the City of Memphis and to such of the inhabitants of the City of Memphis as desire to patronize the said public plants, so installed and authorized to be installed by the said

City of Memphis, and to this end the Legislative Council is vested with all necessary powers to construct the aforesaid plants.¹

ARTICLE 20.

ACT AUTHORIZING PURCHASE AND CONTROL OF ARTESIAN WATER DEPARTMENT.

To build and control water works system.

(§ 171.) Section 1. The Taxing Districts, cities and towns of this State, having a population of 60,000 or more, according to the Federal census of 1890, or any subsequent Federal census, be, and the same are hereby, authorized and empowered to build, purchase or acquire control of, in any manner, and to extend a waterworks system to be maintained and operated for the benefit of such Taxing District, city or town and its inhabitants.

Issue bonds.

(§ 172.) Sec. 2. If, in the judgment of the Legislative Council, or other governing agency, as the case may be, of such taxing district, city or town, it is best to build and construct a system of waterworks, such taxing district, city or town shall have, and is hereby vested with, power so to do. In order to raise the means necessary to construct such waterworks, mains, pipes and machinery, and purchase such plant and property as may be necessary, such taxing district, city or town are hereby authorized and empowered to issue bonds to an amount not exceeding two million dollars (\$2,000,000)² for any one taxing district, city or town, and such bonds shall bear such a rate of interest not exceeding 5 per cent., and they shall mature at such time as the Legislative Council, or other governing agency, of said taxing district, city or town may determine, and said bonds may be called or not, or at such times as may be deemed best.

May purchase by negotiation, appraisal or purchase of stock.

(§ 173.) Sec. 3. Such taxing district, city or town are hereby authorized and empowered to purchase and buy the plant and properties of any system of waterworks now supplying water

¹ Sections 4 to 14, inclusive, passed March 31, 1905, Chapter 172, Acts 1905.

² Amended Chapter 339, Acts 1903, provides for an issue of \$3,500,000 bonds.

in or out of such taxing district, city or town, and such taxing district, city or town may purchase or acquire such system of waterworks, either by negotiation, appraisement under existing contract, or may purchase all, or substantially all, of the shares of stock to buy such system of waterworks.

(§ 174.) Sec. 4. If such taxing district, city or town shall determine to purchase, appraise or acquire control of any system of waterworks, as provided in the last section of this act, such taxing district, city or town shall have power to issue its coupon bonds to an amount not exceeding two million dollars (\$2,000,000), and bearing such a rate of interest not exceeding five per cent., maturing at such times and callable in such manner as the Legislative Council or other governing agency of such taxing district, city or town may determine.

(§ 175.) Sec. 5. If any bonds are issued under the provisions of this act, either for the purpose of constructing, building, purchasing, condemning or acquiring control of any system of waterworks, such taxing district, city or town is hereby vested with the power to secure the payment of said bonds, and interest, by execution of a trust deed on the entire system of waterworks, lands, buildings, pumping machinery, pipes, reservoirs, privileges, franchises and property of every character, wherever situated, and said trust deed may cover all after acquired property, and may embrace all revenue from supplying water. And the Legislative Council, or other governing agency of such taxing district, city or town, is hereby vested with full power to incorporate in such trust deed such stipulations and provisions as it shall deem best for the security of said bonds.

Issue bonds to purchase plant.

(§ 176.) Sec. 6. On all of the waterworks property constructed, built, bought, purchased or condemned or acquired control of under the provisions of this act, including its machinery, plant, wells, water supply, pipes and all property of every nature and character, acquired at the time or subsequently,

Lien on plant to secure bonds.

there shall exist an irrevocable first lien in favor of the holders of any bonds and coupons that may be issued under this act, to continue on such property additions to, renewals of and repairs thereon, until all of said coupons and all of said bonds are paid and fully discharged.

Bonds—no
general lia-
bility.

(§ 177.) Sec. 7. In respect to the principal and coupons, the bonds to be issued as aforesaid, shall not create or carry any general liability against such taxing district, city or town, but the holders of said bonds and coupons shall look solely to the security of the trust deed and statutory lien on said waterworks system for the payment thereof, and no tax shall ever be levied for the payment of said bonds or coupons, nor shall any property of such taxing district, city or town, other than said waterworks system, be subjected to the payment thereof.

May purchase
by arbitration.

(§ 178.) Sec. 8. In all cases where any district, city or town has any contract with any water company, providing that any such taxing district, city or town shall have the right to purchase the property of such water company at a price to be fixed by arbitrators or appraisers, such taxing district, city or town is hereby vested with the power to enforce the terms of such contract and purchase such property by arbitration or appraisal, and in such cases all the provisions of this act shall apply, and such taxing district, city or town may issue the bonds provided for in this act, or exercise any of the powers conferred in this act that may be necessary or expedient to carry out the terms of such contract.

May purchase
all or practi-
cally all of the
capital stock
of any water
company.

(§ 179.) Sec. 9. If, in the judgment of the Legislative Council, or other governing agency, of such taxing district, city or town, it shall be deemed desirable or preferable to become the owner of all or substantially all of the capital stock of any water company, supplying water to such taxing district, city or town, and the inhabitants thereof, instead of building a system of waterworks or using the plant or property of such water-

company, then such taxing district, city or town shall have, and is hereby vested with, the right and power to become the owner and holder of all, or substantially all, of said stock, by purchase or other contract, and to that end may issue the bonds and use the proceeds thereof herein authorized, and may execute, or cause to be executed, any mortgage or trust deed upon the property of such water system to secure the payment of such bonds. And such taxing district, city or town is hereby expressly given full power and authority to make a contract with the stockholders of any water company supplying water to such taxing district, city or town and its inhabitants, whereby said water company may execute and issue its bonds, in such an amount as may be agreed upon between such taxing district, city or town and said stockholders, which bonds shall be secured by a mortgage or trust deed upon all the property and franchises of said water company then owned or thereafter acquired, and whereby, in consideration of the guaranty by said taxing district, city or town, of the payment of the interest coupons upon said bonds so issued by said water company as the same shall fall due, the said stockholders of said company shall transfer and deliver their said stock to said taxing district, city or town as may contract with said stockholders that, in consideration of the transfer and surrender of their said stock to said taxing district, city or town, said taxing district, city or town will pay annually, or semi-annually, as may be agreed upon, a sufficient sum of money for the water furnished by such waterworks system to the taxing district, city or town, for municipal purposes, which specified sum of money shall be sufficient in amount to pay the interest on said bonds so to be issued by said water company, and which shall be applied to no other purpose whatever than the payment of such interest coupons. And such taxing district, city or town is hereby vested with the power to make such contract, to take such amount of water, and pay such sum therefor, and for such a number of years as may be covered by the

lifetime of such bonds, all of which may be provided for in or endorsed upon said bonds and signed by the Mayor or other executive head of such taxing district, city or town, and the bonds issued in pursuance of these provisions shall be received and owned by such stockholders in lieu of their stock, and full power and authority is hereby expressly given said water company to issue its said bonds, and to said water company and its stockholders to enter in such contract with such taxing district, city or town. Said bonds of said water company hereby authorized to be issued shall not exceed in amount two million dollars (\$2,000,000), and they shall be in such denomination, bear such a rate of interest, not exceeding 5 per cent., mature at such time and be callable in such manner and contain such terms and provisions as may be agreed upon between such company and such taxing district, city or town. And such water company is expressly authorized to secure the payment of such bonds by a mortgage or trust deed on all of its property and franchises then owned or thereafter acquired, and containing such other terms and provisions as may be mutually agreed upon between such company and such taxing district, city or town.

Bonds.
Mortgage
property and
franchises.

May provide
water rates
sufficient to
pay operating
expenses,
fixed charges,
interest on
bonds, etc.

(§ 180.) Sec. 10. If such taxing district, city or town shall deem it advisable to become the owner of all, or substantially all, of the capital stock of such water company so furnishing it, and its inhabitants, with water, such taxing district, city or town, and said water company, or its stockholders, may further provide and stipulate as additional security for the payment of said bonds so to be issued by said company, that the water rates shall, during the life of said bonds, or until their payment, be so fixed and maintained as annually to raise a sum sufficient to pay all their operating expenses, and repairs of said water-works system, and to pay all fixed charges and interest on outstanding bonds, and the interest on bonds issued under this act, and also to provide a sinking fund sufficient to pay such bonds at their maturity. And such taxing district, city or town, and

such water company and its stockholders are hereby given full power and authority to make such other or different contracts, and to enter into such other or additional terms, provisions or stipulations as shall be deemed necessary or expedient to carry out the purposes of this act, it being the intent and purpose hereof to give such taxing district, city or town, and such water company and its stockholders, unlimited power and authority to make such contract or agreement whereby such taxing district, city or town shall become the owner of all, or substantially all, of the stock of such water company as may be mutually agreed upon.

(§ 181.) Sec. 11. If, in the construction of waterworks system, or in the purchase of the property or shares of stock of any water company, or in the exercise of any of the powers conferred in this act, it shall be deemed desirable, such taxing district, city or town shall have, and the same is hereby vested with, the power to borrow the amount of money, or any part thereof, that may be necessary to carry out the purposes of this act, and may issue in evidence of such loan a certificate, certificates of indebtedness, payable not later than one year after the date thereof, and such certificates may be paid in cash out of the proceeds of the sale of any of the bonds hereinbefore provided for, or said certificates may be funded in said bonds and for the security of said certificates, principal and interest, such taxing district, city or town may pledge and mortgage the property and franchises of such waterworks, and may make such other contracts, stipulations or provisions as may be deemed necessary or expedient for the security of said certificates.

Power to borrow money for purposes of this act, etc.

(§ 182.) Sec. 12. If any such taxing district, city or town shall build, purchase or acquire control of any system of waterworks under the provisions of this act, said system of waterworks shall be maintained and operated in one of the following ways:

Plant—how to be operated and maintained.

First. If such taxing district, city or town shall acquire con-

trol of the plant and property of any water company, by the purchase of all, or substantially all, of the shares of stock of such water company, then such taxing district, city or town may maintain the separate corporate existence of said company, and control the same through the election of directors of such water company, the election of said directors to be held by Legislative Council, in the case of taxing districts, and in the case of other cities and towns by the governing board thereof.

Establish
Water Department,
officers.

Second. In the event such taxing district, city or town shall purchase the property of any system of waterworks, or acquire control of the same, by the purchase of all, or substantially all, of the shares of stock of such waterworks, then such taxing district, city or town may establish a water department to be under the direct supervision of the legislative body of such taxing district, city or town, in which case the Mayor, or other executive head of such taxing district, city or town, or in case of taxing districts organized under the act of January 29, 1879, the Board of Fire and Police Commissioners shall appoint a superintendent, a treasurer, a bookkeeper and shall employ such engineers and such employes as may be necessary, and the salaries and compensation of such officers and employes shall be fixed by the Legislative Council, or other governing agency, of such taxing district, city or town.

Board of
Commissioners.

Third. The Legislative Council, or other governing agency, of such taxing district, city or town, may establish a board of three members to control and operate said waterworks system, in which case the members of said waterworks board shall be appointed by the Legislative Council, or other governing agency, of such taxing district, city or town. And such taxing districts, cities and towns are hereby empowered to establish by ordinance all necessary provisions and regulations for the control and government of such system of waterworks as may be in conformity with the provisions of this act. But in no case shall the superintendent, treasurer, bookkeeper or engineer of

such waterworks system be appointed or hold office until his appointment has first been approved by the Legislative Council, or other governing agency, of such taxing district, city or town. And in no event shall any director, member of any water board, officer or employe of any such waterworks system be removed or discharged except upon written charges preferred against him before the Legislative Council, or other governing agency, of such taxing district, city or town, and the Legislative Council or other governing agency of such taxing district, city or town shall have the power to provide by ordinance what deficiency or misconduct shall be sufficient for the removal of such persons.¹

(§ 183.) Sec. 13. Chapter 32 of the Acts of 1899 of Tennessee, entitled "An act to authorize and empower the taxing districts, cities and towns of this State, having a population of 60,000 or more according to the Federal Census of 1890, or any subsequent Federal census, to build, purchase or acquire control of in any manner and to extend a system of waterworks to be maintained and operated for the benefit of such taxing districts, cities and towns, and their inhabitants, and to issue bonds of whatever character, and to make such mortgages, guarantees, contracts and agreements of whatever nature that may be necessary or expedient for the carrying out of the purposes aforesaid, and to authorize any water company supplying such taxing district, city or town and its inhabitants with water, to sell its plant and property to such taxing district, city or town, and to authorize the stockholders of such water company to sell their stock to such taxing district, city or town, and take in exchange therefor the bonds of such water company, and to make such other contract or agreement whereby such taxing district, city or town shall acquire ownership or control of such waterworks as may be agreed upon, and to authorize such taxing district, city or town, after acquiring control of such waterworks, to

¹ The foregoing sections, 1 to 12, inclusive, passed January 28, 1889, Chapter 32, Acts 1899.

Amendment
Ch. 339, Acts
1903.

establish regulations for the operation and management thereof,"
be, and the same is hereby, amended by the following provisions,

to-wit: Any taxing district, city or town of this State, having
a population of 60,000 or more, according to the Federal census
of 1890, or any subsequent Federal census, is hereby authorized
and empowered to issue its negotiable bonds to an amount not

May issue
\$3,500,000 5%
bonds to pur-
chase plant
and fran-
chises, etc.

exceeding \$3,500,000 for the purpose of purchasing or acquiring
or obtaining money for the purpose of purchasing or acquiring,
the property, plant, assets, franchises or capital stock of any
waterworks system, whether owned by individuals, firms or cor-
porations, situated within or near such taxing district, city or
town in order to supply water to such taxing district, city or
town and the inhabitants thereof, and for extending and improv-
ing any such system, and for constructing, improving and ex-
tending any waterworks system to furnish such supply of water,
or for any one or more of such purposes. Said bonds shall be
in such form and of such denominations, and shall be payable
at such time or times and place or places, within or without
the State of Tennessee, shall bear such rate or rates of interest,
not exceeding five *per centum* per annum, payable semi-annually,
and contain such other provisions and recitals as may be pre-
scribed by the Legislative Council, or other legislative or gov-
erning body, of such taxing district, city or town. Said bonds

Bonds—by
whom signed.

shall be negotiable according to the law merchant, and shall
be payable, principal and interest, in lawful money of the United
States of America. Said bonds shall be signed by such executive
officers of such taxing district, city or town as may be prescribed
by the Legislative Council, or other legislative or governing
body thereof, and shall bear the corporate seal of such taxing
district, city or town. Said bonds may be issued as coupon

Coupons.

bonds or registered bonds, or both, or as coupon bonds with the
privilege of registration. The coupons on the coupon bonds may
bear the signed, lithographed or engraved signature of any offi-
cer designated by the Legislative Council, or other legislative

or governing body, of such taxing district, city or town. The purchaser or purchasers of said bonds shall not be bound to see to the performance of conditions precedent to the issuance of said bonds or to the application of the purchase money, and no irregularity, illegality, invalidity or omission in any of the proceedings prior to or in issuance of the said bonds shall affect the validity of said bonds in the hands of purchasers thereof, or any subsequent holders. Any purchase of any waterworks system or other property under this act, or the act of which this is amendatory, may be made subject to the lien or encumbrance of any bonds, mortgage or other indebtedness existing at the time on such waterworks system or other property; and any such taxing district, city or town may also, as a part consideration for any such purchase, assume and agree to pay any bonds, mortgage or other indebtedness of any person or corporation conveying such waterworks system or other property, whether secured by lien or not.

Purchaser not bound to see to performance of conditions, etc.

(§ 184.) Sec. 14. In addition to the net revenues derived from any waterworks purchased, acquired, constructed, extended or improved with any of said bonds, or with any proceeds thereof, the taxing district, city or town issuing said bonds is hereby authorized and empowered to levy and collect taxes upon all the taxable property in such taxing district, city or town, which, with such net revenues, shall be sufficient to pay the interest and principal of said bonds as the same become due, and to make such provisions in any ordinance or resolution authorizing the issuance of said bonds as may seem proper to the Legislative Council, or other legislative or governing body, of such taxing district, city or town, for the raising and application of such taxes and net revenues, and, in its discretion, for the creation of any sinking fund. Any such ordinance or resolution may provide for the application, from time to time, of all the net revenues arising from the waterworks and their extensions and additions, to the payment of the principal and interest of said bonds be-

May levy and collect taxes to pay interest and principal of bonds.

Trustee.

fore the application to such purposes of any moneys arising from taxation. Any such taxing district, city or town issuing such bonds may make a mortgage to a trust company or companies, or individual, as trustee or trustees, within or without the State of Tennessee, for the security of the payment of the principal and interest of such bonds. Such mortgage, however, shall not be construed to impair the direct, general and absolute obligation of the obligor in said bonds to make payment thereof, principal and interest; *provided, however*, that any such taxing district, city or town may, by ordinance or resolution passed for or in connection with the issuance of any such bonds, provide that the same shall not be direct, general or absolute obligation of such taxing district, city or town, until the payment of any bonds of such taxing district, city or town now outstanding issued under any act of the General Assembly, prohibiting the issuance of scrip or other bonds while such now outstanding bonds remain outstanding and unpaid, and the remuneration of any such trustee or trustees shall in no way exceed in the aggregate one-half ($\frac{1}{2}$) of one (1) per cent. to be paid by any such taxing district, city or town making such mortgage. *Provided*, the trustee shall not be a non-resident trust company, but a responsible trust company organized under the laws of this State and willing to accept such trust; and if there are one or more responsible trust companies doing business in such taxing district, city or town willing to accept the trust, that one shall be selected which has the largest paid-up capital; and by such ordinance or resolution may provide further that, upon payment or upon readiness of the city to make payment of such outstanding bonds, thereupon any such bonds of any taxing district, city or town issued under this act shall *ipso facto*, and without any action on the part of such taxing district, city or town, be and become in all respects whatsoever the district, general and absolute obligations of the obligor in said bonds; and any provisions of such ordinance or resolution not in con-

flict with the Constitution and laws of the State shall be binding upon the obligor in such bonds. Such mortgage may cover and convey to such trustee any waterworks of said taxing district, city or town, and other property, plant, assets and franchises purchased, acquired, constructed, extended or improved for waterworks purposes by said taxing district, city or town, and any and all additions, additional sources of water supply, all extensions, accretion, revenues, income and profits thereof, and the right to the purchaser, his successors or assigns, in case of foreclosure of said mortgage and the sale thereunder, to maintain and operate the same upon the streets, highways and public places of the municipality and elsewhere and furnish water to such taxing district, city or town and its inhabitants, and to fix and charge reasonable rates, tolls and rentals for the use of such water. Any such taxing district, city or town may provide, in any ordinance or resolution authorizing the issue of any such bonds, or may provide in any such mortgage that such taxing district, city or town shall have the exclusive right and franchise to supply such taxing district, city or town and its inhabitants with water, and to fix and charge reasonable rates, tolls and rentals for the use of such water, and that any trustee taking possession under the provisions of any such mortgage, and that, in the event of any foreclosure and sale under the provisions of any such mortgage, the purchaser at any such foreclosure and sale, his successors and assigns (whether persons or firms or a corporation, domestic or foreign) shall have the exclusive right and franchise to supply such taxing district, city or town and its inhabitants with water, and to fix and charge reasonable rates, tolls and rentals for the use of such water; *provided, however*, that any grant of any such exclusive right or franchise shall not interfere with existing vested rights. So long as any of said bonds or coupons are outstanding or unpaid, such rates, tolls and rentals fixed and charged by such taxing district, city or town shall not be lower than will furnish

Rate of
charges, etc.

sufficient revenue to pay all operating expenses of the waterworks system or systems, also for all necessary repairs and improvements to the same, and interest on the bonds issued for such waterworks system or systems, and amount to be paid to any sinking funds for such bonds and the principal of any such bonds, as all such payments respectively become due. No purchaser under any foreclosure sale, his successors or assigns, shall be bound to fix and charge any lower rates, tolls and rentals for the use of such water than similar rates, tolls and rentals fixed and charged in other similar municipalities in the United States with similar waterworks systems; *provided, however*, anything in this act to the contrary notwithstanding, that any such mortgage may make provision as to what rates, tolls and rentals, including, among other things, city hydrant rentals, shall be paid in case of default in the payment of the principal or interest of any such bonds, or in the payment of any sinking fund therefor, or in any other terms and conditions of such mortgage. Such ordinances, resolutions and mortgage may contain such provisions as shall be authorized or approved by the Legislative Council, or other legislative or governing body, of such taxing district, city or town. The provisions of any mortgage and bonds and all ordinances and resolutions of any taxing district, city or town under and pursuant to which said mortgage and bonds are issued, shall be and constitute a contract between such taxing district, city or town and the holder or holders of any and all such bonds and coupons until the same are paid.

(§ 185.) Sec. 15. This amendatory act shall be sufficient authority to any such district, city or town to issue bonds and mortgage pursuant to its provisions, to the extent of not more than \$3,500,000, as herein provided, aside from and independent of the said Chapter 32 of the Acts of 1899 of Tennessee, and aside from and independent of any other legislation of the said State, and no proceedings or action of said taxing district, city or town of any kind whatsoever shall be necessary for the issuance and

security of said bonds, other than are provided in this amendatory act. No bonds issued either under the said Chapter 32 of the Acts of 1899 of Tennessee, or under this act, or under both, shall in the aggregate be issued to a sum exceeding the said sum of \$3,500,000. Any ordinance or resolution authorizing the issue of any bonds under this act, or under said Chapter 32 of the Acts of 1899, shall, after its introduction, be published at least once in at least one daily newspaper published in any such taxing district or town, such newspaper or newspapers to be designated by the Legislative Council, or other legislative or governing body, of such taxing district, city or town, and only after such publication shall such ordinance or resolution be finally passed, and then only by the affirmative vote of at least a majority of all the members constituting the Legislative Council, or other legislative or governing body, of such taxing district, city or town; *provided, however*, that it shall not be necessary in any such publication of such ordinance or resolution to publish or set forth at length any form of mortgage or deed of trust which may be contained in such ordinance or resolution, but the form of such mortgage or deed of trust, although contained in any such ordinance or resolution, may be omitted from any such publication thereof, and also from any other publication of any such ordinance or resolution which may be required by any other law. Bonds issued as herein provided shall be sold by the Legislative Council, or other legislative or governing body, of any such taxing district, city or town, at public sale only, by and after inviting sealed bids by advertisement for eleven (11) consecutive days in at least one daily newspaper published in any such district, city or town, and at a price not below the par or face value thereof, free from any sales commission or brokerage.

Publication
of ordinance.

Bonds
—how sold.

(§ 186.) Sec. 16. *Be it further enacted*, That any provisions of said Chapter 32 of the Acts of 1899 of Tennessee, and of any

other acts, so far as inconsistent with this act, are hereby repealed.¹

ARTICLE 21.

PARKS.

Power to acquire and maintain.

(§ 187.) Section 1. The city shall have power and authority to acquire, improve and maintain parks for the benefit of the public. The parks, or lands to be used for park purposes, may be purchased either by private negotiation or by condemnation, as hereinafter provided, as may be determined by the Legislative Council. If the parks, or lands for park purposes, be purchased by private negotiation, the negotiation shall be conducted by such member or members of the Legislative Council as shall be designated by said Council, but no purchase shall be effected until the same has the approval of a majority of the Legislative Council. And said parks, or lands for park purposes, may be purchased either within or without the limits of such taxing districts or cities, but not more than ten miles from the nearest point on the limits of such taxing districts or cities, as such limits may be at the time of such purchase.

How purchased.

Must be within ten miles of city.

Condemnation—procedure.

(§ 188.) Sec. 2. The city may condemn parks, or land for park purposes, under the power of eminent domain, and it is hereby expressly given the power to condemn for park purposes the yards, switches, tracks, the depot and property of every character of any railroad property, and also the property of any manufacturing establishment, and also the property of any persons or corporation, either within or without the limits of said city, but not over ten miles beyond the nearest point in said limits, as such limits may be at the time of such condemnation, and the proceedings for the exercise of this power of condemnation shall be the same as that now provided by law for the taking of private property for public uses.

(§ 189.) Sec. 3. In order to raise the means necessary to

¹ Sections 13 to 16, inclusive; passed April 10, 1903, Chapter 339, Acts 1903.

purchase or condemn parks, or lands for park purposes, the city is hereby authorized and empowered to issue its coupon bonds to an amount not exceeding two hundred and fifty thousand (\$250,000) dollars, bearing a rate of interest not exceeding five per cent., maturing at such time, callable in such manner, as the Legislative Council may determine, and payable in lawful money of the United States of America. And, in order to secure the payment of said bonds and interest, such city may execute a trust deed on said parks, or park lands, and upon all the buildings and improvements situated upon the park lands, and such stipulations and provisions may be incorporated in said trust deed for the security of said bonds as may be deemed necessary and expedient by the Legislative Council. But it is expressly provided that such bonds and coupons, to be issued as aforesaid, shall not create or carry any general liability against said city, but the holders of said bonds and coupons shall look solely to the security of said trust deed and said parks and park lands for the payment thereof.

Park bonds
to be issued.

(§ 190.) Sec. 4. Such city is hereby authorized and empowered to levy a special park tax annually, so long as said bonds shall remain outstanding; said tax shall not exceed twenty¹ cents on the one hundred dollars, for any one year, and the proceeds of said tax shall be expended solely for the purpose of paying interest upon said bonds, and for the purpose of improving and keeping up said parks.

Special park
tax.

[This park tax so levied is a special tax, and is not to be considered as embraced in any acts limiting the levy of taxes in such taxing districts and cities.]²

(§ 191.) Sec. 5. Such city shall have the power to purchase, by private negotiation, or acquire by condemnation, a parkway or parkways, either running from said city to any such park,

Parkways to
be purchased
or condemned.

¹ The special park tax was increased from "ten" to "twenty" cents by Chapter 362, Acts of 1903, and reduced to fifteen cents by Acts of 1909.

² In brackets amendment Chapter 362, Acts 1903.

or running between and connecting such parks and such city, may purchase or condemn such parkways, either within or without the limits of such city, but in no case more than ten miles beyond the nearest point on the limits of such city as the same may be at the date of such purchase or condemnation, and the proceeds of the bonds aforesaid may be used to pay for improving and maintaining such parkways.

Park Commission, term of office, duties and powers.

(§ 192.) Sec. 6. The Legislative Council shall have the power to establish, by ordinance, a Park Commission, composed of three members, who shall be elected by said Legislative Council. The first Park Commissioners elected shall be elected for the following terms: One for two years, one for four years, and one for six years, and at the expiration of the term of office of each Commissioner, his successor shall be elected for a term of six years. Such Park Commissioners shall have entire control of the parks, park lands and parkways acquired by such city under the provisions of this act. It shall be their duty to direct the laying out, improvement and maintenance of said parks, engage all superintendents, gardeners and other employes, and no moneys shall be paid out of the proceeds of said park bonds, nor park tax, until the vouchers for the same are approved by at least two of said Park Commissioners. Said Park Commissioners are hereby expressly empowered to open or close up any streets, alleys or roadways running across or in such parks or park lands, and they shall have this power as well within the limits of the city as without such limits.

Regulations governing Park Commission.

(§ 193.) Sec. 7. The Legislative Council shall have full and ample power to establish, by ordinance, rules and regulations to govern said Park Commission, and to govern the employment and discharge of employes, and to fix the official bonds and the compensation of such Park Commissioners, and the employes.¹

Approved March 31, Acts 1899, Chapter 142.

¹ Sections 1 to 7 passed March 31, Acts 1899, Chapter 142.

(§ 194.) Sec. 8. The City of Memphis is authorized and empowered to execute trust deeds and mortgages upon any park lands owned, to secure the payment of the principal and interest upon any bonds that it may execute or issue under the act approved March 31, 1899; and the city is expressly empowered to execute trust deeds and mortgages upon any park lands and public property other than those acquired under the act approved March 31, 1899, as well as park lands acquired thereunder. In order to pay the principal of any bonds issued by the City of Memphis under said act, the city shall establish a sinking fund, to commence ten years after the date of said bonds, and such amount shall be added to the sinking fund each year, so that at the maturity of such bonds there shall be a sufficient amount in the sinking fund to pay off the principal of such bonds. The Legislative Council is vested with the power, and it is made their duty, to levy a tax upon the taxable property of the city, for the purpose of raising said sinking fund, and such an amount shall be raised by taxation each year as will be sufficient to establish the sinking fund herein required; and the power is vested in the city to invest said sinking fund safely and securely and in the manner it may deem best; and it is further authorized and empowered to devote said sinking fund toward the purchase, in the open market, and retirement of any park bonds issued under the act approved March 31, 1899.

Mortgage to secure payment of park bonds.

Sinking fund for payment of park bonds.

(§ 195.) Sec. 9. The Legislative Council shall further have full power by ordinance, to appropriate not exceeding fifteen thousand (\$15,000) dollars out of the funds authorized to be raised for park purposes to adorn such park belonging to the city as the Legislative Council may select by the erection of an equestrian statue of Gen. Nathan Bedford Forrest.

Forrest monument.

In the event the Legislative Council may deem it desirable to retain the hospital grounds (now Forrest Park), it may do

Hospital grounds converted into park.

so, and convert the same into a public park, or devote the same to any other municipal purpose, as it may see fit.¹

Act of February 6, 1895.

CHAPTER 7, ACTS 1907.

Park tax on
all property
of 20 cents.

(§ 196.) Sec. 10. For the purpose of acquiring, constructing and maintaining parkways, boulevards and parks for each taxing district or city having a population of one hundred thousand or more by the Federal census of 1900, or any subsequent Federal census, an annual tax is hereby levied on all the taxable property, real and personal, including merchants' capital and all others who are assessed for taxes *ad valorem* on capital invested, bank stock and all other stock subject to taxation within the territorial limits of such taxing district or city, of twenty cents on the one hundred dollars of such taxable property.

When due—
manner of col-
lection.

(§ 197.) Sec. 11. The tax hereby levied shall become due and be collected at the same time, and in the same manner, and by the same officers, as the other taxes imposed by or for such taxing districts or cities, with like liens and remedies for the collection and penalties for the non-payment thereof, and upon the same assessment and valuation. The fees of the officers shall be the same as for collecting other taxes within such taxing districts or cities. The sums collected for such taxes shall be used for the purpose of acquiring, constructing and maintaining parkways, boulevards and parks, and for no other purpose whatever. A separate account shall be kept in the offices of the County Trustees of the sums so collected for the said purpose. The County Trustee, respectively, shall, at the end of each month, pay over to the Park Commission of such taxing districts or cities all sums then in hand arising from the tax so collected, and take proper receipts therefor, and such sums so paid over shall be applied exclusively to the purpose

Separate ac-
counts.

¹ Sections 8 and 9, Act of 1895.

of acquiring, constructing and maintaining parkways, boulevards and parks. Special tax.

(§ 198.) Sec. 12. This park tax so levied is a special tax, and is not to be considered as embraced in any acts limiting the levy of taxes in such taxing districts or cities.¹

HOUSE BILL NO, 175, ACTS 1909.

(§ 199.) Sec. 13. For the purpose of enabling the City of Memphis, acting through the Park Commission thereof, to acquire the property known as the Southern Railway Company yards, in Memphis, Tennessee, and such other property in the vicinity thereof as may, in the judgment of the Park Commission, be necessary for parks or parkway purposes, and to complete the park, parkway and boulevard system of said City of Memphis, said City of Memphis is hereby authorized, by and through its Legislative Council, to issue negotiable bonds in an amount not to exceed one million (\$1,000,000.00) dollars. Said bonds shall bear interest at the rate of not more than four and one-half (4½) per cent. per annum, payable semi-annually, and shall be payable in not less than twenty nor more than fifty years after date, in lawful money of the United States. The interest on said bonds shall be payable semi-annually, and shall be evidenced by coupons attached to said bonds, and both principal and interest shall be payable at such place or places within or without the State, as such Legislative Council may designate. Said bonds shall be of the denomination of one thousand (\$1,000.00) dollars each, and shall be signed by the Mayor and City Register of the City of Memphis, and said interest coupons shall bear the printed or lithographed *fac simile* of the signature of the Mayor.

To acquire
Southern Ry.
yards and other
property,
etc.

\$1,000,000
park bonds.

Interest.

Where payable.

(§ 200.) Sec. 14. *Be it further enacted*, That said bonds may be in substantially the following form, to-wit:

¹ Sections 10, 11 and 12 passed January 30, 1907, Chapter 7, Acts 1907.

UNITED STATES OF AMERICA,

STATE OF TENNESSEE,

CITY OF MEMPHIS.

PARK AND PARKWAY BONDS.

No..... \$......

Know all men by these presents that the City of Memphis, a municipal corporation organized and existing under the laws of the State of Tennessee, hereby acknowledges itself indebted and promises to pay bearer the sum of..... (\$.....) dollars, on the.....day of....., 19..., with interest thereon at the rate of per cent. per annum, payable semi-annually on the day of....., and.....day of....., on presentation and surrender of the coupons hereto annexed as they severally become due, both principal and interest, in lawful money of the United States of America, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the.....in the city and State of New York.

This bond is one of a series of bonds issued for the purpose of acquiring property for park purposes and completing a system of parks, parkways and boulevards of the City of Memphis, pursuant to Chapter.....of the Acts of Tennessee for the year 1909. This bond is issued under and pursuant to, and in strict conformity with, the Constitution and statutes of the State of Tennessee and charter of said City of Memphis and amendments thereto, and ordinances or proceedings duly passed and adopted.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist, happen and be performed precedent to and in the issuance of this bond, have been done, have existed and have happened and been performed in regular and due form and manner, as required by the Constitution and statutes of said State and the charter of said city;

and that this bond, together with all other indebtedness of said City of Memphis, does not exceed any limit prescribed by the Constitution or statutes of said State or charter of said city.

The full faith and credit of said City of Memphis is hereby pledged for the payment of the principal and interest of this bond, as the same respectively become due; and for the levy and collection of sufficient taxes for that purpose.

In witness whereof, said City of Memphis has caused this bond to be signed by its Mayor and the City Register, and the corporate seal of said city to be affixed hereto, and the coupons attached to this bond to bear the engraved or lithographed signature of the Mayor, and this bond to be dated the..... day of....., 19.....

.....Mayor.

.....City Register.

FORM OF COUPON.

No..... \$......

On the.....day of....., 19....., the City of Memphis, State of Tennessee, will pay to bearer dollars, lawful money of the United States, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the....., in the city and State of New York, being six months' interest then due on Park and Parkway Bond of said city, dated....., 19.....

No.....Mayor.

In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds.

(§ 201.) Sec. 15. Said bonds shall be sold by the Park Commission of said City of Memphis for the best terms offered at such times and at such amounts as the Park Commission determines; *provided*, that said bonds shall not be sold for less than

Sale of bonds to be for par and accrued interest; may pay expense of sale, brokerage, etc.

par. The cost of printing and expenses of sale of said bonds and a brokerage or commission to the purchaser or others not exceeding one-eighth of one *per centum* of the amount of bonds sold, may be paid out of the proceeds of sale of said bonds, whether the same are sold at par or above par.

Park Board
to control
sale.

Said Park Commission shall have entire charge and control of the sale of said bonds, and the Mayor and City Register shall execute and deliver the same, when called upon so to do by said Park Commission.

Proceeds of
sale turned
over to Park
Board.

(§ 202.) Sec. 16. The entire proceeds of the sale of said bonds shall be paid over to the Park Commission, and after the payment of the cost of printing and all expenses of the sale of said bonds, the proceeds of sale shall be used as follows:

Proceeds—how
to be applied.

(1) Not more than the sum of five hundred thousand dollars (\$500,000.00) shall be used for the acquisition, by private negotiation or condemnation, of the property in the City of Memphis, known as the Southern Railway Company's yards, and such other property in the vicinity thereof as, in the judgment of the Park Commission, may be necessary for park purposes and parkways and boulevards in connection therewith; *provided*, that if said Southern Railway Company's yards cannot be acquired on terms reasonable and proper, in the judgment of the Park Commission of said City of Memphis, bonds to the extent of five hundred thousand dollars (\$500,000.00) only shall be issued hereunder, and the proceeds thereof shall be used as hereinafter provided.

To issue only
\$500,000 if
Southern Ry.
yards are
not acquired.
See Ante,
Sec. 4, Par. 1.

(2) The residue of the proceeds of sale of said bonds, or, in the event the said Southern Railway Company's yards cannot be acquired as provided herein, then the proceeds of sale of bonds in the sum of five hundred thousand dollars (\$500,000.00) shall be used in completing the system of parks, parkways and boulevards of the City of Memphis, and shall be used and expended by said Park Commission in such manner as it deems best for completing and perfecting said system.

(§ 203.) Sec. 17. Said Park Commission so issuing bonds under this act is hereby given irrevocable power and authority, and is directed to pay the interest on said bonds evidenced by the coupons thereto attached, as the same matures, out of the taxes collected by said Park Commission under the existing law.

Interest to be paid out of taxes of Park Board.

(§ 204.) Sec. 18. The City of Memphis is authorized to pledge its full faith and credit for the payment of the principal and interest of the bonds herein authorized, according to their tenor, and it shall be the duty of the Legislative Council of the City of Memphis, in addition to all other taxes authorized by law, to levy a tax to pay said bonds and coupons at their maturity; *provided* that the tax levied for said Park Commission shall not be sufficient to pay said bonds and coupons as they severally become due.

Faith of city pledged for payment.

(§ 205.) Sec. 19. This act shall, without reference to any other act of the General Assembly of Tennessee, be full authority to the City of Memphis to issue and sell bonds as in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of *bona fide* purchasers for value. All acts and parts of acts, general or special, so far as they are inconsistent with this act, are hereby repealed. No proceedings on the part of said city in respect of the issuance of any such bonds shall be necessary, except such as are required by this act.¹

Bonds not invalidated by any defect in proceedings.

Incontestable—when.

¹ Sections 13 to 19, Act of 1909, House Bill 175.

CHAPTER 2.

ARTICLE 22.

MEMPHIS CITY SCHOOLS.

COMMISSIONERS, ELECTION, ORGANIZATION, DUTIES, QUALIFICATION,
BOND ISSUES, ETC.

(All sections herein other than those to which foot note references are given are the acts of January 27, 1869.)

Board of Education of Memphis city schools—how constituted.

(§ 206.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis City Schools shall hereafter be placed under the exclusive management and control of a Board of Education, consisting of [five School Commissioners, who shall be elected from the said city at large, where said incorporated system of schools is respectively located]¹, as hereinafter directed, and that said Board is hereby created and constituted a body politic and corporate, by the name and style of the Board of Education of the Memphis City Schools, who shall have succession for ninety-nine years; and by name and style aforesaid, may purchase, receive, hold and possess property of any kind for the use of said city schools; may sue and be sued, plead and be impleaded, answer and be answered unto in all courts of record and courts of inferior jurisdiction; and said Board shall have power to make, have and use a common seal, the same to break, alter and renew at pleasure, and generally to do and execute all acts, matters and things which a corporation or body politic in law may and can lawfully do and execute.

(§ 207.) Sec. 2. (Section 2 of the Acts of 1869 repealed by act of February 27, 1883. See Section 9 of said acts.)

Commissioners' election.

(§ 208.) Sec. 3. [Said Commissioners shall be elected by the qualified voters of such Taxing District, and their election shall take place at the same time that members of the General Assembly are elected, viz.: on the Tuesday next after the first

¹ In brackets amendment passed February 27, 1883, Section 1.

Monday in November, 1908, and every four years thereafter, and the term of office of said Commissioners shall be for a term of four years, and they shall hold their office for such term, and until their successors are elected and qualified four years thereafter; *provided*, that the present two Commissioners, whose term of office expires January 1, 1908, shall hold their office until the election and qualification of their successors, as above provided.]

The President of the Board of Education shall cause, at least ten days previous, notice of said election in one or more newspapers of said city; said election to be conducted as for other city officers, and the cost to be paid by the city government.¹

Election expense.

(§ 209.) Sec. 4. (Section 4 of the Acts of January 27, 1869, repealed. See Acts of February 27, 1883, and of March 5, 1891.)

(§ 210.) Sec. 5. (Section 5 of the Acts of January 27, 1869, repealed. See Section 9 of the Acts of February 23, 1883.)

(§ 211.) Sec. 6. [*Be it further enacted*, That said Commissioners shall, immediately on their appointment, organize their respective Boards of Education by electing a President and Vice-President from among their number, and by electing a Superintendent who is not a School Commissioner, and by electing a Secretary and Treasurer. No Commissioner shall be eligible to the position of Secretary or Treasurer during the term for which he was elected Commissioner. Said Board of Education shall enact the by-laws for their government; they shall pay the Superintendent a salary not exceeding \$3,600 per annum, and their Secretary a salary not exceeding \$1,800 per annum.]

Organization of Board.

Salary.

The Treasurer and Secretary shall give bond in such penalty as the Board may direct, for the faithful performance of their duties, with such security as the Board may approve; and all contracts, orders, drafts upon the school funds, notes, bonds,

Bond and duties of Secretary and Treasurer.

¹ Section 3 of the Acts of January 27, 1869, as amended by act passed February 27, 1883, and Act of April 9, 1907 (amendment in brackets).

obligations, conveyances, transfers of real estate, and all other instruments of writing made or ordered to be made or executed by the Board, shall be signed by the President, and shall be countersigned by the Secretary, or by such other person as shall be duly and legally authorized by said Board; and, when necessary, sealed with the corporate seal of the Board.²

Salary of
President and
Commission-
ers.

(§ 212.) Sec. 7. *Be it further enacted*, That each one of the five Commissioners shall enter into bonds in the sum of \$5,000, with two good and sufficient sureties, which bonds shall be approved, in writing, by and filed with the President of the Taxing District for the faithful performance of their duties; and the President of the Board shall also enter into an additional bond of \$5,000, secured, approved and filed in like manner, for the faithful performance of his duties as President. The President of the Board shall receive a salary not exceeding \$600 per annum, payable in equal monthly payments, and each of the other Commissioners shall receive a salary not to exceed \$480 per annum, payable in like manner. They shall be citizens of said Taxing District. Each Commissioner shall be a man of good moral character and temperate habits. He shall be able to read and write, and shall have a general knowledge of the common branches of learning sufficient to enable him to judge of the qualifications of teachers. He shall not hold any office or position for pay or compensation in the employ of the Board of Education, except the office of President, Vice-President or Chairman of its Committee on Buildings and Grounds, whose compensation shall not exceed \$600 per annum, including his salary as Commissioner, nor shall he be interested, directly or indirectly, in any contract or business of said Board. The Board of Education shall be the judge of the qualifications of its own members.¹

² Section 6 of the Acts of 1869, as amended by the Acts of February 27, 1883, Section 7; Acts of March 3, 1891, and Acts of February 13, 1907, Section 7.

¹ Chapter 87, Acts of 1907.

(§ 213.) Sec. 8. Said Board shall have power to judge of the qualifications of its members; to punish members for disorderly conduct at the meetings of the Board or in the discharge of their duty as members of the Board of Education, and, with the concurrence of two-thirds of the members-elect, expel a member. Said Board shall have the power to employ and dismiss superintendents, teachers, agents, servants, etc., and determine their compensation; to contract for school rooms, purchase maps, globes and whatever else they may deem necessary for the instruction of the pupils; and adopt such rules and regulations for their own government and the government of the schools as they may deem expedient, keeping a full record of their proceedings; and said Board shall have the power to fill all vacancies occurring in their own body. [Three Commissioners, where regularly assembled in session, shall constitute a quorum for the transaction of business, but not otherwise.]²

Duties and powers of Board.

(§ 214.) Sec. 9. No one shall be admitted as a free pupil in said city schools except the children of persons who are *bona fide* residents within the limits of said city; but the Board of Education may admit children living beyond said city limits, upon payment, in advance, to the Secretary or Treasurer, of such tuition fees as they shall prescribe; and such payment may also be taken of pupils whose parents or guardians reside out of said city, but permit their children or wards to reside within to attend said city schools; and the Board may, at their discretion, prescribe higher branches of study than those which are commonly taught in the public schools of other cities.

What pupils shall be admitted free.

(§ 215.) Sec. 10. All moneys accruing from the State School Fund to those Civil Districts of Shelby County which embrace within their boundaries any portion of the City of Memphis, shall be paid directly by the State Superintendent to the Treas-

State school fund—how apportioned to Memphis city schools.

² In brackets amendment of 1907, Chapter 87 (balance Acts of January 27, 1869, as amended by Section 6 of the Acts of February 27, 1883).

City tax for school purposes—how levied and collected.

urer of the Board of Education in the proportion to which those portions are entitled by their amount of scholastic populations; *provided* that no money shall be paid over by the State Superintendent of Instruction to said City Treasurer until said City Board of Education shall have returned to him the scholastic population, and made all other reports required by them, in accordance with the general school laws of the State, and the Board of Education shall, in the month of December, each year, make an estimate of the expenses of the city schools for the next ensuing year, and report the same to the Mayor and Board of Aldermen, who shall thereupon proceed to levy a tax upon such property as is taxed for other city purposes, sufficient to cover such expenses; *provided* it shall not exceed a ratio of ten dollars for every youth between the ages of 6 and 20 years; and the Mayor and Board of Aldermen of the City of Memphis shall be held responsible for the collection of said tax; the tax to be called the school tax shall be collected by the Tax Collector of the City of Memphis as other city taxes are; and said Tax Collector shall, at least once in every year, and oftener, if required in writing by the Secretary or President of the Board, faithfully and punctually pay over to the Treasurer of the Board of Education all money collected for the school fund, subject to the orders of this Board, and the Tax Collector and his securities shall be held responsible for the faithful performance of this provision of the Board of Education. No certificate of indebtedness, except the warrant issued by the said Board, shall be received in payment of said school tax. [The taxes levied for school purposes shall be a special tax for school purposes, and is not to be considered as embraced in any act limiting the levy of tax in such Taxing District or city]²

2 In brackets Acts of 1907, Chapter 87 (balance Act of January 27, 1869).

(§ 216.) Sec. 11. The Board of Education shall have power to purchase lots and contract for the erection of said school buildings thereon, provided cost of said lots and buildings shall not exceed the sum of \$50,000 per annum for the term of ten (10) years from the 14th of January, 1869, unless authorized to exceed that amount by a vote of the citizens in their respective wards, at an election held for that purpose by the Board of Education; and the Mayor and Board of Aldermen of the City of Memphis are hereby required to make immediate provision for the payment of same, to do which they shall have power to levy a special tax upon such property as is taxed for other city purposes, either for the whole or in part of the required amount; and the better to enable them to provide such means promptly and lessen the burden of immediate taxation, said Mayor and Board of Aldermen may, at their discretion, issue the bonds of said city, if issued, not to exceed, in all, the sum of \$500,000, having not more than thirty years to mature, and bearing 6 per cent. interest per annum, payable semi-annually in the City of New York, or in Memphis, as they designate, for all, or any portion, of the required amount; and all moneys accruing from such tax and said bonds, if issued, shall be paid at once to the Treasurer of the Board of Education, and shall be known as school bonds, and the semi-annual interest that may become due on the same shall be provided for by the Board of Mayor and Aldermen, as may be required by the Board of Education, in addition to the school tax heretofore provided for in Section 9. And the Board of Mayor and Aldermen shall be required to provide a sinking fund to pay the principal of said bonds. And, so soon as the bonds of Mayor and Board of Aldermen of the City of Memphis shall have been issued for the purposes named in this section, they shall constitute a lien on the real property belonging to the Board of Education, and the holders of said bonds shall be invested with said lien, without a mortgage or deed from said Board of Education, to secure the

School buildings, cost of, regulated.

School bonds authorized.

School bonds a lien without mortgage.

payment of said bonds, as well as the interest thereon, as the same becomes due.

Annual re-
port.

(§ 217.) Sec. 12. At the close of every scholastic year, on the 30th of June, the Board of Education shall publish for the information of their constituents, an annual report, setting forth their principal doings and expenses for the year, together with their estimate of the expenses for the succeeding year.

Qualifications
of members
of Board.

(§ 218.) Sec. 13. No member of the Board of Mayor and Aldermen, or officer of the corporation of the City of Memphis, elected, shall be eligible to membership in the Board of Education, nor any person who has not been a resident of the ward (city) from which he is elected at least twelve months prior to his election, and if any person who shall have been elected from the city shall move from [within the limits of]³ said city, he shall vacate his seat in said Board, and the vacancy shall be filled by the Board as soon as may be by a citizen possessing all the qualifications required by this act.

Qualifications.

[They shall be citizens of said Taxing District; each Commissioner shall be a man of good moral character and temperate habits. He shall be able to read and write, and shall have a general knowledge of the common branches of learning, sufficient to enable him to judge of the qualifications of teachers. He shall not hold any office or position for pay or compensation in the employ of the Board of Education, nor shall he be interested, directly or indirectly, in any contract or business of said Board. The Board of Education shall be the judge of the qualifications of its own members.]⁴

³ Acts of January 27, 1869, as amended by Acts December 18, 1869.

⁴ In brackets amendment of February 27, 1883, as amended by the Acts of February 13, 1907.

(§ 219.) Sec. 14. The School Commissioners shall fill all vacancies in Board.
vacancies which shall occur in the office of School Commissioner by death, resignation, removal or otherwise, and the Commissioner so elected to fill a vacancy shall hold his office until the next election thereafter of Taxing District officers, when his successor shall be elected and qualified.⁵

(§ 220.) Sec. 15. The title of the schoolhouse sites, lots, furniture, books, apparatus and appurtenances, and all other school property in this act mentioned, shall be, and is hereby, vested in the Board of Education of the Memphis city schools, and the same, while used or appropriated for school purposes, or any other property, the title of which is vested in the Board of Education, shall [not]¹ be subject to taxation while in the possession of the said Board for educational purposes.

(§ 221.) Sec. 16. Said Board of Education shall provide and maintain separate schools for the use and accommodation of the white and colored youth of the city, entitled to admission in the public schools of the City of Memphis, subject, in all respects, to the same rules, regulations and treatment.

(§ 222.) Sec. 17. The School Board shall make out a sworn statement of receipts and expenditures, and publish the same for the information of the people. That all the acts coming in conflict with this act be, and they are hereby, repealed, and that this act take effect from and after its passage.

(§ 223.) Sec. 18. All revenue arising from assessments on real and personal property, privileges and polls, levied on account of public schools or public education in the Taxing Districts, shall be for the use and benefit of the public schools in the Taxing Districts, and when the tax is collected it shall be paid over weekly to the Treasurer of the Board of Education of the Taxing District.

⁵ Amendment February 27, 1883.

¹ Amendment Act December 18, 1869.

School cen-
sus.

(§ 224.) Sec. 19. The said Board of Education shall keep the scholastic census required by law in a well bound book, in which shall be entered the name, age, color and sex of each person of scholastic age. Said Boards of Education shall in no case pay for taking census more than two cents for each person of scholastic age enumerated in census returns. Said census returns, when taken, and before their adoption, shall be referred to a special committee of three Commissioners, who shall compare said returns with the total population of such Taxing District, and with the census returns of preceding years, and with other dates and statistics, and they shall report in writing to the Board of Education whether or not, in their opinion, the census has been fully and fairly taken.³

1889.

AN ACT to authorize incorporated Boards of Education of public schools in taxing districts of 30,000 inhabitants, or over, according to the Federal Census of 1880, or any future census, to issue bonds for certain purposes.

School bonds
to extent of
\$100,000.

(§ 225.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in Taxing Districts of 30,000 inhabitants, or over, according to the Federal Census of 1880, or any future census, be, and the same are hereby, invested with authority to issue coupon bonds to an amount not to exceed \$100,000 for the purpose of providing ways and means for school buildings and grounds.

Character of
bonds to be
issue.

(§ 226.) Sec. 2. Bonds authorized by this act may be issued in such denominations, and made payable when and where it may seem to the Boards of Education best fitted to accomplish the object in view. *Provided, however*, that the said bonds shall be issued in series of equal amounts, with five years intervening between the maturity of each series, except the bonds in the first

³ Amendment February 27, 1883.

series, which shall mature in seven years, so as to absorb during the period of each of said series the sinking fund hereinafter provided; that the said Boards of Education shall not sell or dispose of either or any of the bonds issued under this act at less than par, or for any other consideration but lawful currency of the United States; that the said bonds shall not bear a greater rate of interest than 6 per cent. per annum. And, *provided further*, that the said Boards of Education issuing bonds under this act shall only issue them in such amounts as that the proceeds can be immediately applied to the purposes herein designated.

(§ 227.) Sec. 3. Said Boards of Education are hereby authorized and empowered to mortgage, by deed of trust, the real estate and buildings thereon, owned by them, to secure prompt and faithful payment of the said bonds and coupons, issued by them under this act, as they respectively become due.

Secured by mortgage, etc.

(§ 228.) Sec. 4. The Boards of Education shall pay, and are hereby authorized to pay, the interest maturing on the said bonds during the year 1889 and 1890 out of any funds collected by them levied for school building purposes.

Interest 1889 and 1890—how paid.

(§ 229.) Sec. 5. The Boards of Police and Fire Commissioners, or other rightful corporate authorities of said Taxing Districts, shall, at the time of preparing the budget of taxation to defray the expenses of the said Taxing Districts for the years 1891 and 1892, and every two years thereafter, until said bonds and coupons are paid, include in the said budget, in addition to the school tax for general purposes, a yearly tax sufficient to pay the interest coupons attached to the said bonds, as they may mature, and also a yearly tax sufficient to create a sinking fund to pay the said bonds as they may mature in their respective series; *provided*, the said Boards of Police and Fire Commissioners shall not be compelled, during the existence of these bonds, to recommend a tax for more than twenty-five (25) cents

Interest and principal—how provided for.

on the hundred dollars for school purposes, including the said interest and sinking fund and any and all other expenses of the public schools. The said tax so levied shall be collected by the County Trustees as other taxes levied for said Taxing Districts.

Sinking fund
—how used.

(§ 230.) Sec. 6. The said sinking fund collected under this act shall be held and invested by the Fire and Police Commissioners, or their corporate successors, either in purchasing or retiring these bonds or investing the same in other public securities, as, in their judgment, may seem best for the safe preservation of this fund until the said bonds mature, when they shall use the said sinking fund and all accumulations in payment of said matured bonds. Any balance which may be in their hands over that necessary to retire the maturing series, may be applied to retiring the next succeeding series, or invested in other securities for the protection of said bonds. And the said Boards of Fire and Police Commissioners shall make semi-annual reports to the said Boards of Education of the exact condition of the said sinking fund and interest. The said Commissioners shall be allowed no compensation for services under this act.

Bond register.

(§ 231.) Sec. 7. The said Boards of Education shall cause to be prepared a register for the said bonds and coupons, showing their date, amount and disposition of same, and make a full annual report thereof to the public, at the time of making its general report, for which services no compensation shall be allowed.

Passed March 28, 1889.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 60,000 inhabitants, or over, according to the Federal census of 1890, or any future census, to issue bonds for certain school purposes.

1899.

(§ 232.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in cities or taxing districts of 60,000 inhabitants, or over, according to the Federal census of 1890, or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$30,000, in addition to any bonds heretofore issued by such Boards, or any of them; said bonds so authorized to be issued to be for the purpose of providing ways and means for the construction and maintenance of school buildings and grounds, and for other school purposes.

School bonds
to be issued.

(§ 233.) Sec. 2. That the bonds authorized by this act shall be issued in denominations of \$500 each, made payable twenty years from and after date, bearing a rate of interest not exceeding in amount four and one-half per cent. per annum, and payable in lawful money of the United States, and at such place as such Boards of Education may fix and determine, the form of said bonds to be fixed and prescribed by such Boards of Education.

Maturity
and interest.

(§ 234.) Sec. 3. Said Boards of Education, and each of them, are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this act to be issued, ratably, and without preference, by a mortgage or trust deed upon any and all the real estate and buildings thereon, the property of said Boards of Education, and said mortgages or trust deeds may contain such terms and provisions as said Boards of Education, or any of them so issuing

Security for
payment.

said bonds, may deem most expedient and best, not inconsistent with this act.

Fund for
payment.

(§ 235.) Sec. 4. The Boards of Education so issuing said bonds under this act are given the irrevocable power and authority, and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature, from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and for none other.

Tax for
school bonds
authorized.

(§ 236.) Sec. 5. The Legislative Council, or other governing agency of said cities and taxing districts, are hereby given the irrevocable power and authority, and are directed, in addition to the taxes levied by them for the maintenance of said schools, or the payment of bonds heretofore issued by said School Boards, and now outstanding, to annually levy a tax sufficient to pay the interest on said bonds authorized to be issued by this act, as the same matures, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

Sinking fund
—how used.

(§ 237.) Sec. 6. The said sinking fund directed by this act shall be held and invested by the Fire and Police Commissioners, or other governing agency of said cities and taxing districts, or by their corporate successors, either in purchasing and retiring bonds authorized to be issued by this act, or by investing said sinking fund in other public securities, as, in their judgment, may seem best for the safe preservation of said fund and all accumulations thereof in payment of the principal of said bonds.

Bond register.

(§ 238.) Sec. 7. Said Boards of Education issuing bonds under this act shall cause to be prepared a register of said bonds and coupons, showing their date, amount and disposition made of same, and make report thereon at the time of making their general report, for which service no compensation shall be allowed.

Approved April 22, 1899.

AN ACT to transfer to the School Commissioners, or Board of Education, of the City of Memphis all of the public school property and public school funds in the hands of the District School Directors in the territory who may attend the public schools of the act passed at the present session of the Legislature; to provide for the management and conduct of the district schools so annexed during the present scholastic year, and for the payment of tuition fees by children residing in said annexed territory who may attend the public schools of the City of Memphis until the close of the present school year.

(§ 239.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all of the public schools and school buildings, lands, leases, lots and other school property of every character, situated within the territory annexed to the City of Memphis by an act of the Legislature, passed January 18, and approved January 25, 1899, is hereby granted and transferred to the School Commissioners, or Board of Education, of the City of Memphis, to be held and used for educational purposes; but said School Commissioners, or Board of Education, shall not take control and possession of said schools and school property until July 1, 1899.

School property in annexed territory transferred to Board of Education of Memphis city schools.

(§ 240.) Sec. 2. *Be it further enacted*, That all the school funds in the hands of the School Directors of Civil Districts, or parts thereof, annexed to the City of Memphis by the act hereinbefore mentioned, that shall be and remain in their hands or subject to their control on the 1st day of July, 1899, shall be turned over to the School Commissioners, or Board of Education, of the City of Memphis on that date; and where only a part of any Civil District has been annexed, as aforesaid, the said school funds shall be divided between the School Commissioners, or Board of Education, of the City of Memphis, and the School Directors of said Civil District or Districts, in pro-

School funds of annexed territory transferred to Board of Education of Memphis city schools.

portion to the scholastic population within and without the part so annexed, the scholastic census of each part to be taken by the School Commissioners, or Board of Education, of the said City of Memphis.

Public schools in annexed territory—how controlled.

(§ 241.) Sec. 3. *Be it further enacted*, That the public schools in the territory annexed as aforesaid shall be managed and conducted by the present District School Directors until the close of the present school year; *provided*, that the provisions of this act shall not apply to the school known as the Idlewild School, as to which school the said School Commissioners, or Board of Education, of the said City of Memphis shall assume control of and conduct in like manner as other city schools.

Approved March 30, 1899. Chapter 122, page 198.

AN ACT to grant certain school privileges to children residing within one-half mile of the limits of the City of Memphis.

Children within one-half mile of previous city limits allowed to attend schools.

(§ 242.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter children being within the age now required by law, and residing within one-half mile of the limits of the City of Memphis, as said limits now are, or may be hereafter fixed, shall be received in and have the right to attend, free of tuition, the public schools inside the City of Memphis, nearest to their respective places of residence, for five years from the date of the passage of this bill.

Approved January 28, 1899.

Chapter 59, page 82.

CHAPTER 41, ACTS 1907.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, to issue bonds for certain school purposes.

(§ 243.) Section 1. *Be it enacted by the General Assembly*

of the State of Tennessee, That incorporated Boards of Education in cities or taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$300,000, in addition to such bonds, or any of them, said bonds so authorized to be issued for the purpose of providing ways and means for the construction of school buildings and grounds, and for improvements and repairs to school property.

(§ 244.) Sec. 2. *Be it further enacted*, That bonds authorized by this act may be issued in such denominations, and made payable when it may seem to the Boards of Education best fitted to accomplish the object in view, and shall bear a rate of interest not exceeding four per cent. per annum, payable in lawful money of the United States, and at such place as such Boards of Education may fix and determine. Said bonds shall be in such form as may be fixed and prescribed by said Boards of Education, and shall be signed with the signature of the President and the Secretary of such Boards, the interest coupons attached to such bonds bearing the engraved or lithographed signature of the President and the Secretary of such Boards; *provided, however*, that said bonds shall not be sold for less than par, and no commission shall be paid for the sale of said bonds.

(§ 245.) Sec. 3. *Be it further enacted*, That said Boards of Education, and each of them, are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this act to be issued, ratably and without preference, by a mortgage or trust deed upon any and all real estate and buildings thereon. The property of said Boards of Education and said mortgages or trust deeds may contain such terms or provisions as such Boards of Education, or any of them so issuing said bonds, may deem most expedient and best, not inconsistent with this act.

(§ 246.) Sec. 4. *Be it further enacted*, That the Boards of Education so issuing said bonds under this act are given the irrepealable power and authority and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and none other.

(§ 247.) Sec. 5. *Be it further enacted*, That the Legislative Council, or other governing agencies, of said cities and taxing districts are hereby given the irrepealable power and authority, and are directed, in addition to the taxes levied by them for the building of said schools, or the payment of bonds heretofore issued by said School Boards, and now outstanding, to annually levy a tax sufficient to pay the interest on such bonds authorized to be issued by this act as the same mature, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

(§ 248.) Sec. 6. *Be it further enacted*, That the said sinking fund directed by this act shall be held and invested by the Fire and Police Commissioners, or other governing agencies, of said cities and taxing districts, or by their corporate successors, either in purchasing and retiring the bonds authorized to be issued by this act or by investing said sinking fund in other public securities, as, in their judgment, may seem best for the safe preservation of said fund until said bonds mature, when they shall use said sinking fund, and all accumulations thereof, in payment of the principal of said bonds.

(§ 249.) Sec. 7. *Be it further enacted*, That said Boards of Education issuing bonds under this act shall cause to be prepared a register of said bonds and coupons, showing their date, amount and disposition made of same, and make report thereon at

the time of making their general report, for which service no compensation shall be allowed.¹

CHAPTER 340, ACTS OF 1905.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal Census of 1900, or any future census, to issue bonds for certain school purposes.

(§ 250.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in cities or taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$125,000, in addition to such bonds heretofore issued by such Boards, or any of them; said bonds so authorized to be issued for the purpose of providing ways and means for the construction of school buildings and grounds, and for improvements and repairs to school property.

Board of
Education
may issue
bonds.

(§ 251.) Sec. 2. *Be it further enacted*, That bonds authorized by this act may be issued in such denominations and made payable when it may seem to the said Board of Education best fitted to accomplish the object in view, and shall bear a rate of interest not exceeding four and one-half per cent. per annum, payable in lawful money of the United States, and at such place as such Boards of Education may fix and determine. Said bonds shall be in such form as may be fixed and prescribed by said Boards of Education, and shall be signed with the signatures of the President and Secretary of such Boards, the interest coupons attached to such bonds bearing the engraved or lithographed signature of the President and Secretary of such Boards; *provided, however*, that said bonds shall not be sold

Form of
bonds.

¹ Sections 1 to 7 passed February 6, 1907, Chapter 41.

for less than par, and no commission shall be paid for the sale of said bonds.

Bonds may be secured by mortgage. (§ 252.) Sec. 3. *Be it further enacted*, That said Boards of Education, and each of them, are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this act to be issued, ratably and without preference, by a mortgage or trust deed upon any and all real estate and buildings thereon; the property of said Board of Education and said mortgages or trust deeds may contain such terms or provisions as such Boards of Education, or any of them so issuing said bonds, may deem most expedient and best, not inconsistent with this act.

Pay interest on bonds. (§ 253.) Sec. 4. *Be it further enacted*, That the Boards of Education so issuing said bonds under this act are given the irrepealable power and authority, and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and for none other.

Council to levy tax for interest on sinking fund. (§ 254.) Sec. 5. *Be it further enacted*, That the Legislative Council, or other governing agencies, of said cities and taxing districts are hereby given the irrepealable power and authority, and are directed, in addition to the taxes levied by them for the building of said schools, or the payment of bonds heretofore issued by said School Boards, and now outstanding, to annually levy a tax sufficient to pay the interest on such bonds authorized to be issued by this act as the same mature, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

Sinking fund to be invested. (§ 255.) Sec. 6. *Be it further enacted*, That the said sinking fund directed by this act shall be held and invested by the Fire and Police Commissioners, or other governing agencies, of

said cities and taxing districts, or by their corporate successors, either in purchasing and retiring the bonds authorized to be issued by this act or by investing said sinking fund in other public securities, as, in their judgment, may seem best for the safe preservation of said fund until said bonds mature, when they shall use said sinking fund and all accumulations thereof in payment of the principal of said bonds.¹

(§ 256.) Sec. 7. *Be it further enacted*, That said Board of Education issuing bonds under this act shall cause to be prepared a register of said bonds and coupons, showing their date, amount and disposition made of same, and make report thereon at the time of making their general report, for which service no compensation shall be allowed.

CHAPTER 238, ACTS 1909.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, to issue bonds for certain school purposes.

(§ 256a.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That incorporated Boards of Education in cities or taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$500,000, in addition to such bonds heretofore issued by such Boards, or any of them, said bonds so authorized to be issued for the purpose of providing ways and means for the construction of school buildings and grounds and for improvements and repairs to school property.

Board of Education may issue \$500,000 school bonds.

Construct new and repair old school buildings.

¹ Sections 1 to 7 passed April 7, 1905, Chapter 340.

(§ 256b.) Sec. 2. Bonds authorized by this act may be issued in such denominations and made payable when it may seem to the Board of Education best fitted to accomplish the object in view, and shall bear a rate of interest not exceeding four and one-fourth per cent. per annum, payable in lawful money of the United States, and at such place as such Boards of Education may fix and determine. Said bonds shall be in such form as may be fixed and prescribed by said Boards of Education, and shall be signed with the signature of the President and the Secretary of such Boards, the interest coupons attached to such bonds bearing the engraved or lithographed signature of the President and the Secretary of such Boards; *provided, however,* that said bonds shall not be sold for less than par, and no commission shall be paid for the sale of said bonds.

Interest—
where pay-
able.

By whom
signed.

Sale.

(§ 256c.) Sec. 3. Said Boards of Education, and each of them, are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this act to be issued, ratably and without preference, by a mortgage or trust deed upon any and all real estate and buildings thereon. The property of said Boards of Education and said mortgages or trust deeds may contain such terms or provisions as such Boards of Education, or any of them so issuing said bonds, may deem most expedient and best, not inconsistent with this act.

Bonds—
how secured.

(§ 256d.) Sec. 4. The Boards of Education so issuing said bonds under this act are given the irrevocable power and authority, and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and none other.

Interest—
by whom
paid, etc.

(§ 256e.) Sec. 5. The Legislative Council, or other governing agencies, of said cities and taxing districts are hereby given the irrevocable power and authority, and are directed, in addition to the taxes levied by them for the building of said schools, or the payment of bonds heretofore issued by said School Boards, and now outstanding, to annually levy a tax sufficient to pay the interest on such bonds authorized to be issued by this act as the same mature, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

Legislative Council to levy tax to pay interest.

Sinking fund to be created.

(§ 256f.) Sec. 6. The said sinking fund directed by this act shall be held and invested by the Fire and Police Commissioners or other governing agencies of said cities and taxing districts or by their corporate successors, either in purchasing and retiring the bonds authorized to be issued by this act or by investing said sinking fund in other public securities, as, in their judgment, may seem best for the safe preservation of said fund until said bonds mature, when they shall use said sinking fund, and all accumulations thereof, in payment of the principal of said bonds.

Sinking fund invested —how.

(§ 256g.) Sec. 7. Said Boards of Education issuing bonds under this act shall cause to be prepared a register of said bonds and coupons, showing their date, amount and disposition made of same, and make report thereon at the time of making their general report, for which service no compensation shall be allowed.

Registry of bonds.

Passed April 23, 1909.

CHAPTER 3.

ARTICLE 23.

ACT CREATING A "BOARD OF COMMISSIONERS OF THE CITY OF
MEMPHIS."

CHAPTER 298, ACTS OF 1909.

AN ACT to be entitled "An act to amend an act entitled 'A bill to establish the taxing districts in this State, and to provide means of local government for the same, being Chapter XI of the Acts of 1879, and all amendatory acts thereof, constituting the present charter of the City of Memphis,'" so as—

1st. To change the name of the Board of Fire and Police Commissioners to "The Board of Commissioners of the City of Memphis," and to provide for the qualification, election of the members of the same and to provide for the membership of said Commission upon the taking effect of this act.

2d. To abolish the Board of Public Works and to provide for the exercise and discharge of the powers and duties heretofore vested in and devolved upon that Board by the said Board of Commissioners.

3d. To more fully set out and define the powers and duties of said Board of Commissioners.

4th. To more fully set out and define the powers and duties of the several members of the said Board of Commissioners, to fix their term of office and their compensation.

5th. To separate the affairs of the city into various departments, to provide the scope and work of each department, and to provide for the heads thereof.

6th. To create the office of "Electric Inspector," and to define his duties, term of office and compensation, and to change the name of City Register to City Clerk.

7th. To abolish the Board of Health, as now constituted, and to provide for the exercise and discharge of the powers

and duties vested in and devolved upon that Board by the Department of Health under the said Board of Commissioners.

8th. To provide for the nomination and election by said Board of Commissioners of a Chief of Police Department, a Chief of the Fire Department, a Superintendent of the Health Department, a City Attorney, a City Judge, a City Clerk, a Clerk of the City Court, a City Engineer, a City Market Master, a City Paymaster, a City Chemist, a City Harnessmaker, a Building Inspector, a Plumbing Inspector, a Boiler Inspector, a Gas and Electric Light Inspector, an Electric Inspector, a Meat Inspector, an Inspector of Weights and Measures, a Collector of License and Privilege Taxes, a Veterinary Surgeon, a Wharfmaster, a Superintendent of the City Hospital, and for the appointment and removal of subordinate officers and employes, and to prescribe the term of office and compensation of the incumbents of said elective offices.

9th. To provide for the filling of vacancies occurring in the Commission or in any municipal office, and for the conduct of said office whenever the regular incumbent thereof is temporarily absent or disabled.

10th. To change the time for the meeting of the Board of Commissioners, and to provide for special or called meetings.

11th. To prescribe the method of the passage of all ordinances and resolutions.

12th. To abolish the office of Street Commissioner, as now constituted.

13th. To provide for the granting of franchises and the issuing of bonds, and for a referendum as to all ordinances granting franchises, or authorizing a bond issue under certain restrictions.

14th. To provide for the making and execution of all municipal contracts.

15th. To provide for a Civil Service Commission, and for

the adoption and enforcement of a system of civil service rules.

16th. To limit appeals from the City Court, and to provide for the remission of fines, in certain cases.

17th. To make it lawful to expend in any one year a greater amount of money in any department than shall have been appropriated for that department, *provided* such excess can be made up from a surplus in any other department or departments, and the same to be authorized by ordinance duly passed.

18th. To change the manner of selecting an Assistant City Attorney, to fix his compensation and prescribe his duties and to provide for his removal.

19th. To provide for uniformity in the time for the expiration of the terms of office of all municipal officers elected by the people, so as to make said term expire on December 31st, 1911, and every four years thereafter.

(§ 257.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act entitled "A bill to establish taxing districts in the State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and all acts amendatory thereof, constituting the present charter of the City of Memphis, be, and the same are hereby, amended in the manner and particulars and to the extent hereinafter provided.

Board of
Commission-
ers.

(§ 258.) Sec. 2. The name of the "Board of Fire and Police Commissioners" be, and the same is, changed to the "Board of Commissioners of the City of Memphis." Said Board shall consist, as at present, of five members, one of whom shall be the Mayor. The first Board hereunder shall consist of the four members of the present Legislative Council of the City of Memphis, whose terms expire in November, 1911, and of a Mayor who shall be elected by the people of the City of Memphis, on the first Thursday after the first Monday in November, 1909.

Mayor.

Date of
election.

The qualifications of said Mayor, and of the members of said Board of Commissioners shall be those now required by law for the members of the present Legislative Council, and the Mayor shall have the additional qualifications now provided by law for said office; *provided, however*, that no person shall be ineligible to said office because of having heretofore held said office.

(§ 259.) Sec. 3. The said Board of Commissioners shall have and exercise all the powers, and discharge all duties, now vested in and imposed upon the present Board of Fire and Police Commissioners, the present Board of Public Works and the present Legislative Council, together with such other powers and duties as are hereinafter prescribed.

Powers and duties of the Board.

(§ 260.) Sec. 4. The Board of Public Works is hereby abolished, and the powers and duties now vested in and imposed upon said Board and the several members thereof by law are hereby vested in and imposed upon the said Board of Commissioners and the several members thereof as herein provided.

Board of Public Works abolished and duties imposed upon Commissioners.

(§ 261.) Sec. 5. The Board of Health, as at present constituted, is hereby abolished, and in lieu thereof is established a subordinate department, to be known as the "Health Department," to be under the supervision and control of the Department of Public Affairs, which said department shall perform the duties and functions heretofore performed by the Board of Health.

Health Department, under control of Department of Public Affairs.

(§ 262.) Sec. 6. The term of office of the Mayor to be elected under this act in November, 1909, shall expire December 31st, 1911, and the term of office of the Mayor thereafter shall be four years. And to the end that uniformity may prevail the term of office of the other four Commissioners composing the first Board of Commissioners hereunder is hereby extended to and including December 31st, 1911. The term of office of all

Term of office of Mayor and Commissioners.

Commissioners thereafter shall be four years. All of said Commissioners, including the Mayor, shall hold office until their respective successors are elected and qualified.

Salaries of
Mayor and
Commis-
sioners.

(§ 263.) Sec. 7. The compensation of the Mayor shall be six thousand (\$6,000.00) dollars per annum, payable in monthly installments, and that of the other members of said Board of Commissioners shall be three thousand (\$3,000.00) dollars per annum, payable in monthly installments. No member of said Board of Commissioners shall, directly or indirectly, receive any other or greater compensation than that just provided.

Departments
classified.

(§ 264.) Sec. 8. To the end that the work of the city government may be classified and arranged and more efficiently conducted, there is now established the following departments with the duties and powers, and made up as hereinafter indicated, viz.:

- (1) The Department of Public Affairs and Health.
- (2) The Department of Fire and Police.
- (3) The Department of Streets, Bridges and Sewers.
- (4) The Department of Accounts, Finances and Revenues.
- (5) The Department of Public Utilities, Grounds and Buildings.

Election of
heads of de-
partments;
terms of of-
fice and
salaries.

(§ 265.) Sec. 9. At the first meeting of the said Board of Commissioners, or at some meeting within thirty days thereafter, there shall be elected, by said Board, the following officers, whose terms of office and whose annual compensation (payable in monthly installments) shall be as herein indicated, as follows:

City Attorney	Two years	\$3,600.00
City Judge	Two years	2,500.00
City Engineer	Two years	3,000.00
City Clerk	Two years	3,000.00
Chief of Police	One year	2,700.00

Chief of Fire Department.....	One year	2,700.00
City Paymaster	Two years	2,000.00
City Chemist	One year	2,400.00
Superintendent of Health Department.....	Two years	3,000.00
Clerk of City Court.....	One year	1,800.00
City Plumbing Inspector	One year	1,500.00
City Meat Inspector	One year	1,500.00
City Boiler Inspector	One year	1,680.00
Collector of Licenses and Privilege Taxes..	One year	1,500.00
Wharfmaster	One year	1,500.00
Market Master	One year	1,200.00
City Veterinary Surgeon	One year	1,200.00
Gas and Electric Light Inspector.....	One year	1,500.00
City Harness Maker	One year	1,200.00
Inspector of Weights and Measures.....	One year	1,800.00
Superintendent of City Hospital.....	One year	1,500.00
Electric Inspector	One year	2,000.00
Building Inspector	One year	2,500.00

Provided, that none of said officers shall be paid or shall receive, directly or indirectly, any further or greater compensation than that above described; and, *provided further, however*, that the Board of Commissioners, by proper ordinance, may increase the salary of the City Engineer to a sum not to exceed five thousand (\$5,000.00) dollars per annum.

(§ 266.) Sec. 10. No Commissioner or officer herein named shall demand or receive, in any manner or form, any greater compensation than provided for herein, and that it shall be a felony for a Mayor, any Commissioner of the City of Memphis, any Park or Water Department Commissioner, any Civil Service Commissioner, any elective, appointive or subordinate officer, any employe, or any one connected with the government of the City of Memphis, in any manner to accept any moneys or gifts of any character whatever, other than that stipulated for performing the duties of their office. For any violation of the

Mayor, Commissioners and employes not to receive moneys or gifts other than stipulated.

above, and conviction thereof, he shall be guilty of a felony and imprisoned in the State penitentiary for not less than one year nor more than five years.

Mayor to be at head of Department of Public Affairs, and defining scope of this department.

(§ 267.) Sec. 11. The Mayor shall be at the head and have charge of the Department of Public Affairs and Health; within the scope of this department shall be the general supervision of all the affairs of the municipality; the office of the City Attorney and matters pertaining thereto; the offices of City Judge and City Court Clerk and all matters pertaining thereto; the office of the City Clerk and matters pertaining thereto; the office of Superintendent of the Health Department and matters pertaining thereto, including the City Hospital, the Veterinary Surgeon, and all matters properly pertaining to said departments; the office of the City Paymaster and matters pertaining thereto; the receiving and filing of all reports of heads of other departments, and reports from the Mayor as to his department and to the general condition of the city, with respect to all matters affecting the welfare of the municipality and its citizens. It shall be the duty of the Mayor as the head of this department to keep the Board of Commissioners, from time to time, advised as to all matters affecting the general welfare of the city. It shall also be the duty of the Mayor to preside at all meetings of the Board of Commissioners, and to appoint such committees as may be provided for by ordinance or resolution of the Board.

Duties of Mayor.

Department of Fire and Police.

(§ 268.) Sec. 12. The Department of Fire and Police shall embrace the Fire Department and the Police Department, and all matters pertaining to such departments.

Department of Streets, Bridges and Sewers.

(§ 269.) Sec. 13. The Department of Streets, Bridges and Sewers shall embrace everything heretofore embraced in the Engineering Department, including bridges, streets, sewers, subways, sidewalks, viaducts or new work connected therewith of every character, graveling, repair work of all kinds, city carpentering; also street sprinkling and cleansing, together with

the stables, horses, mules, wagons and equipment connected with said work, and also matters heretofore under the supervision of the plumbing inspector and harnessmaker.

(§ 270.) Sec. 14. The Department of Accounts, Finance and Revenue shall embrace all matters relating to the city finances and revenues; the auditing of all bills in every department, whether for purchasing, payrolls or otherwise; the supervision and auditing of books and accounts of every department of the city, together with the supervision of matters relating to front foot assessments. Within this department shall also be embraced the Inspector of Weights and Measures and the Collector of Licenses and Privilege Taxes, and all matters connected with these offices.

Department
of Accounts,
Finance and
Revenue.

(§ 271.) Sec. 15. The Department of Public Utilities, Grounds and Buildings shall embrace all the affairs of the city connected with railroads, street car lines, gas and electric light companies, telephone and telegraph companies, Water Department, wharfage and Wharf Master, market house and Market Master. Within this department shall also be embraced the Building Inspector, the Gas and Electric Light Inspector, the Boiler Inspector and the Electric Inspector, and all matters connected with those offices. This department shall also embrace all public grounds and buildings and public parks; *provided, however*, that nothing in this act shall be deemed to affect the powers and duties of the Park Commissioners of Memphis, as the same are now prescribed by law, or the Water Commission.

Department
of Public
Utilities,
Grounds and
Buildings.

(§ 272.) Sec. 16. Wherever a difference of opinion shall arise as to what department embraces a particular work or matter, either because the same is not herein specially provided for, or because of the difference of opinion as to the proper construction of the foregoing sections, the question shall be determined by the Board of Commissioners in regular session, and their conclusion shall be final and binding.

Board of
Commission-
ers to con-
strue scope
of duties of
heads of
above depart-
ments in
event of
disagreement.

Board of Commissioners to assign its members to the respective departments.

(§ 273.) Sec. 17. At the first meeting of a Board of Commissioners hereunder, or within thirty days thereafter, the said Board of Commissioners shall assign one of its members, not the Mayor, to each of the four departments last above mentioned, and the said four Commissioners shall thereafter be known and designated respectively as the Commissioner of the Department of Fire and Police, the Commissioner of the Department of Streets, Bridges and Sewers; the Commissioner of the Department of Accounts, Finances and Revenue; the Commissioner of the Department of Public Utilities, Grounds and Buildings. The Board of Commissioners, however, shall have the power, by a majority vote, at any time, to change any or all of the Commissioners, except the Mayor, from one department to another, such change to be made operative by resolution duly passed by said Board. Such resolution to fix the time when it shall take effect, and to take effect at the time as fixed.

May change head of department by majority vote of Board.

Vacancy in Board—how filled.

(§ 274.) Sec. 18. Upon any vacancy occurring in the Board of Commissioners by a death, resignation, removal or otherwise, then the remaining four Commissioners shall have the power, by majority of vote, to elect a Commissioner to fill such vacancy, who shall hold office for the unexpired term. Pending such election, the Mayor (or, if the vacancy be in the office of the Mayor), then the Commission of Department of Fire and Police shall assume and have charge of the Department over which the Commissioner whose office has been vacated has charge; *provided*, that, in the event in such an election by the Commission there shall be a tie vote on the question of the election of said Commissioner, then the Mayor shall have the right to cast both his own and the vote of the Commissioner of the office so vacated.

Regular and called meetings of Board of Commissioners.

(§ 275.) Sec. 19. The Board of Commissioners shall hold a regular meeting every Tuesday at 2:30 o'clock in the afternoon, and may hold such special meetings as may be called by the

Mayor, or any two of the other Commissioners. If the business of any regular or special meeting be not concluded on the day when same convenes, the Board may adjourn such meeting to any subsequent day of that week. All meetings of the Board shall be public, and shall be held at the place provided for such meetings, and said place cannot be changed except by ordinance.

(§ 276.) Sec. 20. No Commissioner, nor any officer nor subordinate officer of the city, shall be connected with or interested in, directly or indirectly, any contract with the city, nor shall any Commissioner of the city receive any compensation other than that herein *specifically* provided, nor shall extra pay be allowed or received by any Commissioner or officer by the city serving on a committee, agency or commission whatever, when appointed to such service by the Commissioners during his term of office; *provided, however*, that whenever the duties of any Commissioner shall require him to visit a point beyond the limits of Shelby County, his reasonable expenses shall be paid by the city.

Commissioners and officers not to receive extra compensation nor become interested in any contract with city.

(§ 277.) Sec. 21. Every officer for whose election by the Board of Commissioners provision is herein made shall first be nominated by the Commissioner to whose department such officer belongs; and no such officer shall be elected by the Council except on such nomination; *provided, however*, that if the Commissioner whose duty and function it is to nominate any officer shall fail, within thirty days, to make a nomination, then any member of said Board shall have the right to make a nomination or nominations, and the Board may thereupon elect a person so nominated.

City officers—how elected.

(§ 278.) Sec. 22. The Commissioners of the City of Memphis shall fix the amount of bonds and the method of their approval to be required of all elective, appointive or subordinate officers, and such other city employes whom the Commissioners of the City of Memphis shall require to give bond. The approval of

Bonds of city officers.

the official bonds of all elective, appointive or subordinate officers and other employes must be endorsed thereon, and signed by the Commissioners of the City of Memphis, and shall be given and made by some good and solvent surety company; all bonds, when approved, shall be filed with the Clerk of the City of Memphis. All the provisions of any law of this State relating to official bonds, not inconsistent with this charter, shall be complied with.

City officer to hold no other office other than that to which he is elected.

(§ 279.) Sec. 23. No Commissioner or officer of the city shall, during the term for which he is elected, be appointed to or accept any other office under the city government (or be) or become an officer or employe (with or without pay) of the State or county in any capacity whatever; *provided, however*, that nothing in this section shall be construed to affect the office of County Trustee of Shelby County, who is now by law the receiver of taxes for the city.

In absence of Mayor, Commissioner of the Fire and Police to act.

(§ 280.) Sec. 24. In the event of the absence from the city, or of the death, resignation or removal of the Mayor, or of his inability to act, the Commissioner of the Fire and Police shall have and exercise all the powers and duties of the Mayor, and, in the event of the absence of the Mayor from any meeting of the Board, such Commissioner shall preside in his place, and it shall not be lawful for either the Mayor or the Commissioner of Fire and Police to absent himself from the city while the other is absent or disabled from attending to the duties of his office.

Vacancy in offices other than Commissioners—how filled, etc.

(§ 281.) Sec. 25. In the event of the death, resignation or removal of any officer of this city, other than a member of the Board of Commissioners, it shall be the right and duty of the Board of Commissioners to elect as soon, as practicable, a successor to fill the vacancy, and if no election be had within thirty days after such vacancy occurs, the Mayor shall have the right, and it shall be his duty, to appoint some fit person to fill such

vacancy until an election by the Board shall occur. The election by said Board to fill such vacancy shall be on nomination by the Commissioner of the department to which such officer belongs. In the event of the temporary absence or disability of any officer other than a member of the Board of Commissioners, the Board shall, if a majority of the members thereof see fit, have the power to appoint some proper person to act in the place and stead of such officer during his absence or disability, and to provide for the compensation of such person temporarily discharging the duties of said office; *provided, however*, that there shall be no deduction from the salary of the regular incumbent of said office during such absence or disability, unless the Board shall, by resolution, declare the absence from office of such incumbent to be without excuse.

(§ 282.) Sec. 26. Within ninety days after organizing, the Commissioners of the City of Memphis shall, by ordinance, appoint three Civil Service Commissioners, who shall hold office, one until January 1st, 1911; one until January 1st, 1912; one until January 1st, 1913. Upon the expiration of these respective terms, successors shall be elected to hold office for three years from the date of election and until his successor is elected and qualified. Each of these Civil Service Commissioners shall receive an annual salary of \$300.00, payable monthly. The Chairman of the Commission for each annual period shall be the member whose term first expires. No person on said Commission shall hold or be a candidate for any office of public trust or profit, or who is in arrears for taxes, or who is not a freeholder, and who has not resided in the City of Memphis, State of Tennessee, for at least six years next preceding his election. Two of said members shall constitute a quorum to transact business. The Commissioners of the City of Memphis may remove any of said Commissioners during their term of office for cause, four Commissioners of the City of Memphis voting in favor of such removal, and shall fill any vacancy that may occur in

Civil Service Commissioners.

Election.

Salary.

Qualifications.

said Commission for the unexpired term. The Commissioners of the City of Memphis shall provide suitable rooms in which the said Civil Service Commissioners may hold their meetings.

Clerk to Civil Service Commissioners.—how elected.

They shall have a clerk, who is to be elected by the Commissioners of the City of Memphis, who shall fix his compensation and term of office. Said clerk shall keep a record of all meetings of said Civil Service Commission, and do all necessary clerical work to carry out the rules and regulations of the said Commission. The Commissioners of the City of Memphis shall supply the said Civil Service Commissioners with all the necessary equipments to properly attend to such business.

Oath of Civil Service Commissioners.

(§ 283.) Sec. 27. Before entering upon the duties of their office, each of said Civil Service Commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the Clerk of the City of Memphis, to support the Constitution of the United States and the State of Tennessee, and to obey the laws and ordinances of the City of Memphis, and to aim to secure and maintain an honest and efficient force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

Examination of applicants, time of holding, manner of questions, etc.

(§ 284.) Sec. 28. Said Commissioners shall, on the first Mondays in April and October of each year, or oftener, if it shall be deemed necessary, under such rules and regulations as may be prescribed by the Commissioners of the City of Memphis, hold examinations for the purpose of determining the qualification of applicants for positions, which examination shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Said Commission shall, as soon as possible after such examination, certify to the Commissioners of the City of Memphis double the number of persons necessary to fill vacancies, who, according to its records, have the highest standing for the position they seek to fill as a result of such

examination, and all vacancies which occur that come under the civil service rule prior to the date of the next regular examination shall be filled from said lists so certified; *provided, however,* that, should the list, for any cause, be reduced to less than three for any division, then the Commissioners of the City of Memphis, or the Commissioner in charge of that department, may temporarily fill a vacancy, but not to exceed thirty days.

(§ 285.) Sec. 29. All persons subject to such civil service examinations shall be subject to removal from office or employment by the Commissioners of the City of Memphis, or the Commissioner in charge of that department, for misconduct or failure to perform their duties under such rules and regulations as it may adopt. And the Chief of Police Department, Chief of Fire Department, Superintendent of the Health Department, or any Superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall, within twenty-four hours thereafter, report in writing such suspension or discharge, and a reason therefor, to the Commissioner in charge of his department, who shall, thereupon, affirm or revoke such discharge or suspension according to the facts. Such employe (or officer discharging or suspending him) may, within five days of such ruling, appeal therefrom to the Commissioners of the City of Memphis, who shall fully hear and determine the matter, and their conclusions in the premises shall be final.

Heads of departments to suspend employes for cause; action to be ratified by Commissioners.

Employe's right of appeal to Commissioners.

(§ 386.) Sec. 30. Every member of the Board of Commissioners of the City of Memphis shall have the power to administer oaths and affirmations, and said Board of Commissioners of the City of Memphis shall have the power to issue subpoenas, to compel by subpoena, the production of books, papers, documents and the attendance of witnesses, and to take and hear

Commissioners have right to administer oaths, issue subpoenas and hear evidence.

testimony concerning any matter or thing pending before such Commissioners of the City of Memphis. If any person so subpoenaed neglects or refuses to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before said Commissioners of the City of Memphis, to answer any competent question, he shall be deemed in contempt, and said Commissioners of the City of Memphis shall have power to take proceedings in that behalf, as provided by the general laws of the State. The Chief of Police must, on request of the said Board of Commissioners of the City of Memphis, detail a police officer or police officers to serve such subpoena or subpoenas.

Police officers
to serve sub-
poenas.

(§ 287.) Sec. 31. Said Civil Service Commissioners shall make annual report to the Commissioners of the City of Memphis, and they may require a special report from the said Civil Service Commission at any time; and said Commissioners of the City of Memphis may prescribe such rules and regulations for the proper conduct of the business of the said Civil Service Commission as shall be found expedient and advisable, including restrictions on appointments, promotions, removal for cause, roster of employes, certification of the records and restrictions on payment to persons improperly employed.

Commission-
ers to pass
ordinances in
re violation
of civil serv-
ice act.

(§ 288.) Sec. 32. The Commissioners of the City of Memphis shall have the power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this act relating to the Civil Service Commission.

Commission-
ers may cause
employe in his
department to
stand exami-
nation under
rules to be
adopted, etc.

(§ 289.) Sec. 33. Any Commissioner of the City of Memphis, at the head of a department of the city government certifying to the Chairman of the Civil Service Commission may cause any employe or employes in his department, coming under the civil service rules, to be examined as to his fitness and qualification to fill his position. The Chairman of the Civil Service Commission, upon the receipt of such communication from said

Commissioner of the City of Memphis and the head of a department of the city government, shall cite said employe or employes before the Civil Service Commission and examine them as to their fitness and qualification to fulfill the duties of their position according to the standard and rules adopted by the Civil Service Commission as a test for such position; and said Civil Service Commission shall report the result of such examination to the Commissioner of the City of Memphis who requested such examination, and said Commissioners of the City of Memphis must either retain or dismiss said employe or employes as the result of said examination may show.

(§ 290.) Sec. 34. The provisions of Sections 26 to 33, inclusive, shall apply to all appointive officers and employes of the City of Memphis, except those especially named in Section 10 of this act, Commissioners of any kind, laborers whose occupation requires no special skill or fitness and Assistant City Attorney, where such officers are appointed.

Sections 26 to 33 applicable to all employes, with exceptions in this section.

(§ 291.) Sec. 35. All officers and employes who shall be employed by the City of Memphis shall be elected or appointed with reference to their qualifications and fitness, and for good of the public service, and without reference to their political faith or party affiliation.

All officers and employes elected according to their qualification.

(§ 292.) Sec. 36. It shall be unlawful for any candidate for office, or any officer in the employment of the City of Memphis, directly or indirectly, to give or promise any person or persons any office, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Any violation of the provisions of this section shall be a misdemeanor, and shall be grounds for removal from office.

Unlawful for any candidate to promise any person employment, etc.

(§ 293.) Sec. 37. The Mayor shall sign all bonds, notes or other evidence of indebtedness by the city, and shall also sign all contracts to which the City of Memphis is a party; *provided*,

Mayor to sign all bonds, etc., of city; checks signed by Mayor and two Commissioners.

that if the Mayor refuses to sign any such contract or instrument, the same shall become effective without his signature by the signature of any three of the other Commissioners. All checks issued by the city on any account shall be countersigned by the Mayor and two Commissioners.

Advertise-
ment; con-
tract exceed-
ing \$500 to be
advertised
one week,
except in
emergency.

(§ 294.) Sec. 38. No contract involving the expenditure of exceeding (\$500.00) five hundred dollars shall be awarded or let until after the advertisement for at least one week by some newspaper published in Memphis, and then only to the lowest and best bidder; *provided*, that, in case of emergency, a publication of two days shall be sufficient.

Contracts to
be signed by
majority of
Board, and
copied in
minutes.

(§ 295.) Sec. 39. Before any contract can become effective or binding on the City of Memphis, it shall be approved by a majority of the members of the Board of Commissioners, and the members approving the same shall affix their signatures thereto, and the same shall be copied with such signatures on the minutes of the proceedings of the Board.

Franchises
granted
—how.

(§ 296.) Sec. 40. The method of granting franchises shall remain as prescribed in Section 29 of Chapter 54 of the Acts of 1905, save and except that the ordinance granting such franchise shall be passed by a majority of the Board of Commissioners; *provided, however*, that no ordinance granting any franchise shall become effective until such ordinance shall have been passed at three separate regular meetings of the Board, and shall have been published in some daily newspaper published in Memphis, Tennessee, at least three times, each of said publications to be on the day prior to the meeting at which each passage of the ordinance occurs.

Bond issue;
to be ap-
proved by
majority
of qualified
voters upon
petition of
500 voters.

(§ 297.) Sec. 41. No ordinance authorizing or providing for any issue of bonds shall be effective until thirty days after its final passage, and until the same shall have been approved by a majority of the qualified electors of the city voting at an elec-

tion to be called and ordered for that purpose; *provided, however*, that such submission to and approval of by said voters shall be unnecessary, unless same shall have been requested by a petition in writing, signed by at least 500 qualified voters of the City of Memphis, within thirty days after the final passage of the ordinance providing for such bond issue.

(§ 298.) Sec. 42. The salary of the City Judge shall be as now prescribed by law; *provided, however*, that, in the event of the temporary absence or disability of the City Judge from any cause, no deduction shall be made from his salary unless the Council shall, by resolution, declare that the absence from his duties was without reasonable excuse.

City Judge
—salary.

(§ 299.) Sec. 43. No appeal shall lie from a judgment of the City Court rendered in the exercise of the jurisdiction of that Court over all violations of municipal ordinances, unless the judgment be for a fine of more than \$10.00 and costs; and, *provided further*, that no order of said City Court remitting any fines shall become effective until it shall have been signed by the Mayor and two Commissioners.

City Court.
No appeals
lie for fines
and cost less
than \$10.
Fines remit-
ted to be ap-
proved by
Mayor and
two Com-
missioners.

(§ 300.) Sec. 44. No ordinance shall become effective until the same shall have passed at three regular meetings of the Board of Commissioners, and shall have received at each meeting a majority of all members composing said Board, and unless the same shall have been published in some daily newspaper on the day preceding each meeting at which it had passed, and until the same shall have been published daily for at least one week after its final passage in some newspaper published in Memphis, and shall have been duly and formally recorded in the office of the City Clerk, in the minutes of the proceedings of the Board; *provided, however*, that, by unanimous vote of all the Commissioners, any ordinance may become effective immediately upon its final passage if the matter be one of emergency.

Ordinances
—how passed,
publica-
tion, etc.

Budget—¹
may transfer
surplus of
one account
to meet over-
draft in
another
—how.

(§ 301.) Sec. 45. It shall be lawful to expend in any year a greater amount for any department than shall have been appropriated in the annual budget for the department; *provided* such excess can be made up from a surplus in any other department or departments, and, *provided* the same is authorized by ordinance or resolution duly passed.

Special taxes
abolished, etc.

(§ 302.) Sec. 46. All the special taxes heretofore provided for by the Legislature to be levied and assessed against the real and personal property in the City of Memphis are hereby abolished, and all acts providing for the same are hereby repealed.

Taxes—
Commission-
ers may levy
\$2.00 on ev-
ery \$100 of
property.

(§ 303.) Sec. 47. The said Board of Commissioners of the City of Memphis shall have the power, by ordinance, in a regular meeting, to levy and collect a general *ad valorem* tax upon all real and personal property in the City of Memphis not to exceed \$2.00 on every one hundred dollars of assessed value for all purposes, and it is further provided that out of said levy the said Board of Commissioners shall each year collect and pay to the School Commissioners of the City of Memphis twenty-five cents on every one hundred dollars of assessed value; to the Park Commissioner of the City of Memphis fifteen cents on every one hundred dollars of assessed value, and to the Cossitt Library three cents on every one hundred dollars of assessed value.

Allowance to
schools,
parks and
Cossitt Li-
brary.

Date for
election of
Mayor, Com-
missioners,
Tax As-
sessor.

(§ 304.) Sec. 48. The next regular municipal election shall be held on the first Thursday after the first Monday in November, 1909, at which there shall be elected a Mayor, who shall hold office until and including December 31, 1911. Subsequent municipal elections shall be held on the first Thursday after the first Monday in November, 1911, and every four years thereafter, at which shall be elected a Mayor and four Commissioners and a City Tax Assessor, who shall take their oath of office and qualify on December 31 following the date of their election.

(§ 305.) Sec. 49. There shall be a subordinate officer to be known as Assistant City Attorney, by and with the consent of the Board of Commissioners, who shall receive an annual salary of \$1,200.00, payable monthly. He shall hold office at the will of the City Attorney.

Assistant City Attorney, election and salary, etc.

(§ 306.) Sec. 50. All Commissioners and elective officers hereunder shall be exempt from jury and military duty.

Commissioners and officers exempt from military duty.

(§ 307.) Sec. 51. The word "Commissioner," or "Commissioners," as used in this act, shall be construed as embracing the Mayor, unless the contrary is plainly indicated.

Construction of words "Commissioner" or "Commissioners."

(§ 308.) Sec. 52. All acts and parts of acts constituting the present charter of the City of Memphis, not in conflict with this amendatory act, be, and the same are, continued in full force and effect, and all acts in conflict herewith are hereby repealed.

Acts not repealed continued in force.

(§ 309.) Sec. 53. This act shall take effect for purposes of election and qualifications of the officers herein provided for from and after its passage, and for all other purposes on January 1st, 1910, the public welfare requiring it.

Act to take effect—when.

Passed April 24, 1909.

ARTICLE 24.

SENATE BILL NO. 63 (RECALL BILL.)

AN ACT to be entitled "An act to amend an act entitled 'An act to establish taxing districts in this State, and to provide the means of local government for the same, the same being Chapter 11 of the Acts of 1879, and all the acts amendatory thereof, constituting the charter of the City of Memphis, so as to provide for the right of recall, so that all elective officials of the City of Memphis may be subject to removal from office by a vote of the people.'"

(§ 310.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 11 of the Acts of 1879,

and all acts amendatory thereof be, and the same are hereby amended so as to provide as follows:

Holder of
elective office
may be re-
moved
—how.

The holder of any elective office may be removed at any time by the registered voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

Petition to
contain gen-
eral state-
ment of
grounds for
which re-
moval is
sought.

A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent. of the entire vote of all candidates for the office of Mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the City Clerk shall examine, and from the voters' register ascertain, whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the Board of Commissioners shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the certificate of the City Clerk the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The City Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

May file
amended pe-
tition if first
is insufficient.

If the petition shall be deemed to be sufficient, the City Clerk shall submit the same to the Board of Commissioners without delay. If the petition shall be found to be sufficient, the Board of Commissioners shall order and fix a date for holding the said election not less than thirty days or more than forty days from the date of the certificate of the City Clerk to the Board of Commissioners that a sufficient petition is filed.

The Board of Commissioners shall make, or cause to be made, publication of notice, and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing his name shall be placed on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office, upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

Election—
notice of;
how held,
etc.

Provided, however, that the provision of this act shall not apply to any official until after such official has qualified and held office for a period of three months, and, *further provided,* that if the provisions of this act are invoked against any official, and the majority of the voters in the removal election vote to retain said official in office, such official shall not again be subject to removal under the provisions of this act until after

Not subject
to removal
within six
months of
election to
remove.

the expiration of six months from the date of the aforesaid removal election:

Acts not in
conflict
continued
in force.

(§ 311.) Sec. 2. All provisions of the present charter of the City of Memphis, and all acts amendatory thereof, not in conflict with the provisions of this act, are continued in full force and effect.

(§ 312.) Sec. 3. This act to take effect from and after January 1st, 1910.

Passed February 16th, 1909.

CHAPTER 4.

ARTICLE 25.

MISCELLANEOUS ACTS.

WINCHESTER CEMETERY.

May be con-
veyed to Old
Folks' So-
ciety.

(§ 313.) Section 1. The Legislative Council is hereby empowered, in its corporate capacity, to grant and to convey to the Old Folks' Society of Shelby County, a body corporate, chartered under the general incorporation laws of the State of Tennessee, the four acres of ground which constitute a part of the grounds now known as "Winchester Cemetery," donated by the original proprietors of the City of Memphis, in the year 1828, to be used as a burying ground; upon condition, however, that the said Old Folks' Society shall stipulate and agree to remove, free of expense to the City of Memphis, all human remains now buried in said lot of land, and have the same properly interred in some other suitable location as hereinafter provided.

Old Folks'
Society may
contract with
other ceme-
tery for re-
moval of re-
mains.

(§ 313.) Sec. 2. The said Old Folks' Society of Shelby County be, and the same is hereby, authorized and empowered to contract with the owners and proprietors of any other cemetery or burying ground in Shelby County, Tennessee, to remove and re-inter the remains formerly buried in Winchester Cemetery.

and to convey to such proprietors and owners as aforesaid, upon such terms as may be agreed to, the four acres of ground set out and named in the first section of this bill, as well as the remaining part of Winchester Cemetery now owned by the said Old Folks' Society, it being the purpose and intent of this act to secure the removal to a suitable distance from the corporate limits of the said City of Memphis of the bodies now buried in Winchester Cemetery, and to provide for their decent interment in some locality better suited for a public burying ground.

FUNDING ACTS.

(§ 314.) Sec. 3. (The funding acts, under which the indebtedness of the City of Memphis was funded, are published in full in the General Acts of the Legislature, as follows: Funding act of 1881, Chapter 123, page 159; funding act of 1883, Chapter 170, page 224; funding act of 1885, Chapter 14, page 56; funding act of 1885, Chapter 14, page 56; funding act of extra session, 1885, Chapter 2, page 10; funding acts of 1887, Chapter 41, page 114; funding act of 1895, Chapter 56, page 75. The purposes of said acts having been accomplished, it is not necessary to publish the same in full in this Digest. The funding ordinances, passed under the above acts, are omitted for the same reason, except the ordinance passed under the act of 1895, which is published herein.)

(§ 315.) Sec. 4. The City of Memphis is given the right, power and authority, through its proper officers, to convey to the County of Shelby the alleys in the square in said city bounded by Adams, Second, Washington and Third streets, for the purpose of erecting a courthouse thereon. (Ch. 311, Acts 1907.)

Conveying
alleys around
Court House
to county.

NORTH MEMPHIS LEVEES.

(§ 316.) Sec. 5. For the purpose of enabling the City of Memphis to build and maintain a levee or levees along the river front and Bayou Gayoso, and to build and equip pumping stations, dams, reservoirs, wells and locks for the purpose of protecting itself, its streets, property and sewer system, and in

May build
levees.

order to continue the efficiency of said sewer system so that the city may be enabled to properly provide for emptying the sewerage and surface drainage of the said city during high water, into the Mississippi or Wolf River, in order to that end and that the same may be accomplished that the act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for same," being Chapter 11 of the Acts of 1879, be, and the same is hereby, amended so that the City of Memphis be, and it is hereby, authorized and empowered when it, the said city, shall deem it necessary to purchase land for any or all of said purposes, and to take private property for such public use by condemning the same for said purpose or purposes. Said condemnation shall be had and made in the same manner as is now provided by law and ordinance for the condemnation of property for public use.

(§ 317.) Sec. 6. The City of Memphis shall have the right to use any of its streets or alleys, or any parts thereof, as it may deem necessary in the erection of said levee or levees, and in building, providing for and equipping said pumping stations, dams, locks, reservoirs and wells. (Ch. 556, Acts 1903.)

To build
levees along
river front.

(§ 318.) Sec. 7. To adequately protect the City of Memphis, its streets, property and sewer system, and to preserve and continue the efficiency of its sewer system from the overflowing and back waters of the Mississippi River and Bayou Gayoso, and to provide for emptying the sewerage and surface drainage of the City of Memphis during high water, into the Mississippi or Wolf River, and for that purpose to build and maintain a levee or levees along the river front and Bayou Gayoso, to build and equip pumping stations, to purchase pumping machinery, to build dams and locks, reservoirs and wells, and to raise and construct bridges and streets, and to purchase land, either by private sale or condemnation proceedings for the erection of levees, levee approaches and pumping stations, and to that end

that the City of Memphis be, and it is hereby, authorized and empowered to levy an *ad valorem* tax of fifty cents (50) on the one hundred dollars of all taxable property situated within the limits of the said city as said limits exist at the time of the making of said levy.

(§ 319.) Sec. 8. Said city shall have the power to levy the tax aforesaid, regardless of any existing or future limit upon the taxing power of said city. Levy special tax.

(§ 320.) Sec. 9. The whole of said tax shall be levied upon the same assessment that the City of Memphis shall use in her regular annual tax levy for the same year said special tax shall be levied.

(§ 321.) Sec. 10. Said tax shall be payable in from two to four annual installments, as the Legislative Council of said city may decide, said installments to become due and delinquent at the same time, respectively, as the current taxes of the city become due and delinquent. Payable.

(§ 322.) Sec. 11. The City of Memphis, by and through its Board of Fire and Police Commissioners, shall have the right to anticipate the collection of any future one or more of said installments of said special tax by borrowing money in anticipation of the collection of said installment or installments, and pledging the repayment of any money or moneys so borrowed out of said special tax moneys when the same shall be collected. Said Fire and Police Commissioners, in borrowing said moneys in advance of the collection or payment of such special tax, are authorized to allow interest on the same, not to exceed per cent. per annum. May borrow money.

(§ 323.) Sec. 12. There shall be a lien upon the property, subject to the payment of said taxes, and said lien shall be of the same force and enforceable in the same manner as other

tax liens, and the same shall be collected as other delinquent taxes are collected.

(§ 324.) Sec. 13. Said special tax shall be collected by the Trustee of Shelby County as other city taxes are collected. (Ch. 557, Acts 1903.)

Non-liability of counties and Taxing Districts for damages, by reason of defects in streets, etc., or for conduct of those managing affairs.

(§ 325.) Sec. 14. *Be it further enacted*, That the counties in which taxing districts are situated (and the taxing districts of themselves)¹ shall not be liable for damages for injuries to persons or property, by reason of defects in the streets or alleys, or other property under the control and within said taxing districts, or for the conduct of those managing the affairs of such districts, nor shall such counties be in any manner liable to pay any money on account of such taxing districts.

Private property for public use.

(§ 326.) Sec. 15. *Be it further enacted*, That the private property within the taxing districts may be taken for public use in the manner now provided by law for the application of private property for public use.

Condemnation of private property.

(§ 327.) Sec. 16. *Be it further enacted*, That Section 20, of the original act aforesaid, be, and the same is hereby, amended so as to declare the power of condemnation, therein conferred, applicable to the condemnation of private property to be used in the erection of public buildings for the municipality or otherwise.²

(§ 328.) Sec. 17. All the officers and agents employed in the administration of the city government shall be the officers and agents of the State, so far as all their official acts touching said government are concerned.³ Those officials charged with disbursing, safekeeping or performing any other acts touching the taxes imposed by this act shall be liable for any and all such breaches of duty touching the same, as are other State

¹ Acts 1881, Chapter 16, Section 5, Amendatory Chapter 11, Acts 1879, Section 19.

² Act of March 23, 1889, Chapter 163, amendatory to Section 20, Acts 1879.

³ As to liability of corporations generally, for acts of agents, see 4 Sneed 162; 2 Bax. 146.

and county officials, in regard to the like service and acts, and may be proceeded against criminally and civilly in the same way; and it shall be the duty of the Attorney General of the district to enforce all such remedies, civilly and criminally, against the delinquents, just as in the case of State officers. (Sec. 17 of Ch. 11, Acts 1879.)

CHAPTER 480, ACTS OF 1909.

DRAINAGE ACT.

A BILL to be entitled an act to amend Chapter 11 of the Acts of 1879 entitled, "A Bill to establish taxing districts in this State, and to provide means of local government for the same, approved January 31, 1879, and all acts amendatory thereof."

(§ 328a.) Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That power is hereby conferred upon the Legislative Council of the City of Memphis, where, in the judgment of said Legislative Council, it is necessary to have drains, ditches or culverts opened or constructed through private property to carry surface water according to the natural flow thereof, to order the owner or owners to construct proper ditches, or to lay drain pipes or culverts for the purposes aforesaid. In making the order, the Legislative Council shall cause notice of the order to be given to the owner or owners of the property, stating a time within which work must be commenced, and that it must be prosecuted to completion within a reasonable time.

To construct drain pipes through private property.

(§ 328b.) Sec. 2. *Be it further enacted*, That the failure to comply with such order of the Legislative Council shall be a misdemeanor, punishable by a fine of not less than one dollar nor more than fifty dollars, and an additional or cumulative remedy is likewise given the city, upon failure of the owner or owners to comply with such order, to have the work done by the city at the cost of the owner, a bill for which is to be

Violation.

Work done at owner's cost.

Lien.

rendered the owner or owners, and, in case of failure to pay the same, the City Attorney shall sue for the amount thereof in any court having jurisdiction of the amount, shall be and constitute a lien upon the property through or upon which the improvements are made.

CHAPTER 5.

TITLES OF ACTS OF THE GENERAL ASSEMBLY RELATING
TO CITY OF MEMPHIS FROM 1879 TO 1901, INCLUSIVE.

1879.—REGULAR SESSION.

AN ACT to repeal the charter of certain municipal corporations, and to remand the territory and inhabitants thereof to the government of the State. Approved January 31, 1879. (Ch. 10, page 13.)

A BILL to establish taxing districts in this State, and to provide the means of local government for the same. Approved January 31, 1879. (Ch. 11, page 15.)

AN ACT to amend an act entitled, "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, and approved January 31, 1879. Approved March 13, 1879. (Ch. 84, page 98.)

AN ACT to collect and dispose of the taxes assessed for municipal corporations in this State whose charters have been or may be repealed, or which may surrender their charters, and to provide for the compromise and make settlement of the debts of such extinct corporations respectively. Approved March 14, 1879. (Ch. 92, page 127.)

AN ACT to amend an act entitled "An act to amend an act entitled an act to establish taxing districts in this State, and to provide the means of local government for the same," passed March 12, approved March 13, 1879. Approved March 31, 1879. (Ch. 249, page 291.)

1879.—EXTRA SESSION.

AN ACT to amend an act passed March 10, 1879, entitled "An act to establish taxing districts in this State, and to provide the means of local government for same," passed January 29, 1879; approved January 31, 1879. Approved December 23, 1879. (Ex. Ses., Ch. 1, page 11.)

1881.

An ACT to repay the Wharfage Fund of the City of Memphis \$8,000 borrowed from said fund by the Fire and Police Fund during the epidemic of 1878. Approved March 28, 1881. (Ch. 25, page 25.)

AN ACT to amend an act passed January 29, 1879, and approved January 31, 1879, entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same." Approved April 4, 1881. (Ch. 79, page 90.)

AN ACT to amend Sections 5, 7, 19 and 23 of an act passed January 29, 1879, approved January 31, 1879, entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," and also to amend Section 6, Subsections 2, 17, 31, 35, 36, 37, 46, 49, 50, 52, 53, 54, 56, and adding also Subsection 59 to Section 7, and amending Section 8 of an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," said amendatory act having passed on the 12th day of March, 1879. Approved April 4, 1881. (Ch. 96, page 111.)

AN ACT to provide for the settlement of the indebtedness of the extinct municipality of the City of Memphis. Approved April 6, 1881. (Ch. 123, page 159.)

1883.

A BILL to be entitled an act to amend Sections 5, 13, 15 and 21 of an act passed January 29, 1879 (Acts 1879, Chapter 11),

entitled an act to establish taxing districts in this State, and to provide the means of local government for the same. (Ch. 5, page 8.)

A BILL to be entitled an act to levy and collect taxes for the Taxing District of Shelby County, Tennessee, for the next two years, 1883, 1884. (Ch. 6, page 9.)

AN ACT to cede to the United States exclusive jurisdiction of Blocks B and C, in Fort Pickering, near the Taxing District of Shelby County, purchased and condemned as a site for the erection of a Government Marine Hospital at the port of Memphis, Tennessee. (Ch. 135, page 182.)

AN ACT to repeal an act entitled "An act to provide for the settlement of the indebtedness of the extinct municipality of Memphis," and to dispose of the funds already collected thereunder. (Ch. 162, page 210.)

AN ACT to empower municipal corporations and Taxing Districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide for the payment of same as compromised. (Ch. 170, page 224.)

AN ACT to settle and pay off the indebtedness due by the late City of Memphis to the policemen, firemen, hospital, square keepers, street force and those feeding the city prisoners for the year 1878 and January, 1879. (Ch. 190, page 264.)

A BILL to be entitled an act to amend Section 8 of the act to establish taxing districts in this State, and to provide the means of local government for the same, passed January 29, 1879; approved January 31, 1879, Acts of 1879, Chapter 11, page 15, with amendatory act passed March 12, 1879, and approved March 12, 1879, Acts of 1879, Chapter 84, page 98. (Ch. 200, page 280.)

AN ACT to be entitled an act to amend the fourth section of an act entitled an act to amend an act entitled an act to estab-

lish taxing districts in this State, and to provide the means of local government for the same, passed March 12, 1879; approved March 13, 1879, Chapter 84. (Ch. 222, page 299.)

AN ACT to enable taxing districts in this State to appropriate certain funds to the purchase of ground for the building of station and workhouses. (Ch. 236, page 318.)

1885.—REGULAR SESSION.

AN ACT to levy and collect taxes for the Taxing District of Shelby County, Tennessee, for the next two years, 1885 and 1886. Approved January 28. (Ch. 3, page 42.)

AN ACT to amend an act entitled "An act to levy and collect taxes for the Taxing District of Shelby County, Tennessee, for the next two years, 1885 and 1886," passed on the 21st of January, 1885, and approved on the 28th of January, 1885. Approved February 14, 1885. (Ch. 6, page 46.)

AN ACT to amend an act entitled "An act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide means for the payment of the same as compromised, the same being Chapter 170 of the Acts of 1883, and to extend the provisions of said act to the 1st day of July, 1885. Approved February 20, 1885. (Ch. 14, page 56.)

AN ACT to amend an act entitled "An act authorizing municipal corporations to fund their indebtedness upon certain conditions," passed March 26, 1881. Approved March 25, 1885. (Ch. 52, page 107.)

AN ACT to amend an act passed January 29, 1879, entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," so as to require the bank selected by the County Trustee as the depository for

the taxes collected for the benefit of the taxing districts to give bond conditioned for the safekeeping and accounting for said funds. Approved April 4, 1885. (Ch. 99, page 197.)

AN ACT to fix the time when taxes assessed for the support of taxing districts shall become delinquent, and amend an act passed December 22, 1879, entitled an act to amend an act passed March 18, 1879, entitled an act to establish taxing districts in the State, and to provide local government for same, passed January 29, 1879. Approved April 9, 1885. (Ch. 153, page 264.)

1885.—EXTRA SESSION.

A BILL to be entitled "An act to amend an act entitled an act to repeal an act entitled an act to provide for the settlement of the indebtedness of the extinct municipality, City of Memphis, and to dispose of the funds already collected, or to be collected thereunder, it being Chapter 162 of the Acts of 1883. Approved June 6, 1885. (Ex. Ses., Ch. 1, page 9.)

AN ACT to be entitled an act to amend an act entitled an act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide means for the payment of same as compromised, being Chapter 170 of the Acts of 1883; and also to amend an act passed February 16, 1885, approved February 20, 1885, entitled an act to amend an act entitled an act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide means for the same as compromised, the same being Chapter 170 of the Acts of 1883, and to extend the provisions of said act to the 1st day of July, 1885. And to further provide for the compromise, settlement and funding of the indebtedness of municipal corporations and taxing districts, and issuing bonds therefor, and to provide means for the payment of same, as compromised. Approved June 6, 1885. (Ex. Ses., Ch. 2, page 10.)

1887.

AN ACT to levy and collect taxes for the Taxing District of Shelby County, Tennessee, for the years 1887 and 1888. Approved February 28, 1887. (Ch. 10, page 71.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879. Approved February 28, 1887. (Ch. 19, page 89.)

AN ACT to amend and revise Chapter 2 of the Acts of the Special Session of 1885, entitled a bill to be entitled "An act to amend an act entitled 'An act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide for the payment of same so compromised,' being Chapter 170 of the Acts of 1883," and also to amend an act passed February 16, 1885, approved February 20, 1885, entitled "An act to amend an act entitled 'An act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amount so funded, and to provide means for the payment of same as compromised,' the same being Chapter 170 of the Acts of 1883, and to extend the provisions of said act to the first day of July, 1885, and to further provide for the compromise, settlement and funding of the indebtedness of municipal corporations and taxing districts and issuing bonds therefor, and to provide means for the payment of same as compromised." Approved March 2, 1887. (Ch. 41, page 114.)

AN ACT to amend Chapter 16 of the Acts of 1873 entitled "An act to grant to the City of Memphis the Memphis Hospital Grounds." Approved March 2, 1887. (Ch. 57, page 128.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879,

so as to extend the police powers and to authorize the enlargement of the police force of said taxing districts. Approved March 2, 1887. (Ch. 59, page 133.)

AN ACT to amend an act passed March 23, 1885, entitled "An act to amend an act entitled 'An act authorizing municipal corporations to fund their indebtedness upon certain conditions,' passed March 26, 1881." Approved March 2, 1887. (Ch. 61, page 137.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and to authorize said taxing districts to purchase and build and own and operate an electric light plant for the purpose of lighting the highways and public grounds of such districts. Approved March 22, 1887. (Ch. 64, page 142.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and to enlarge the powers of said taxing districts to regulate gas companies and the price of gas. Approved March 23, 1887. (Ch. 91, page 181.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and to enlarge the powers of said taxing districts, so as to authorize and enable them to build works, lay pipes, conductors, etc., in order to supply the district and its inhabitants with water. Approved March 24, 1887. (Ch. 147, page 252.)

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879. (Ch. 218, page 350.)

1889.

AN ACT to levy and collect taxes for Taxing District of Shelby County, Tennessee, for two years, 1889 and 1890. Approved February 26, 1889. (Ch. 19, page 26.)

AN ACT to amend an act passed March 27, 1883, entitled an act to amend Section 8 of the act to establish taxing districts in this State, and to provide the means of local government for the same, passed January 29, 1879, approved January 31, 1879, Acts of 1879, Chapter 11, page 15, with amendatory act passed March 12, 1879, Acts of 1879, Chapter 84, page 98. Approved February 28, 1889. (Ch. 48, page 80.)

AN ACT to amend an act passed June 6, 1885, entitled an act to amend an act entitled an act to repeal an act entitled an act to provide for the settlement of the indebtedness of the extinct municipality, City of Memphis, and to dispose of the funds already collected, or to be collected thereunder, it being Chapter 162 of the Acts of 1883. Approved March 16, 1889. (Ch. 73, page 108.)

AN ACT giving the consent and authority of the General Assembly, in behalf of the State of Tennessee, to the location of the buildings of the Cossitt Library, a corporation of the State of Tennessee, located at Memphis, Tennessee, for the purpose of a public library, on a portion of the public promenade within the Taxing District of Shelby County. Approved March 16, 1889. (Ch. 77, page 112.)

AN ACT to amend Chapter 84 of the Acts of 1879, and the acts amendatory thereof, fixing privileges and privilege taxes of the Taxing District of Shelby County. Approved March 19, 1889. (Ch. 104, page 210.)

AN ACT to amend an act passed January 29, 1879, entitled "An act to establish taxing districts in this State, and to pro-

vide the means of local government for the same," and the acts amendatory thereto, so as to provide for the establishment of improvement districts within such taxing districts, to construct pavements, sewers, etc., and to authorize said Taxing District to levy and collect taxes for the same. (Ch. 157, page 298.)

AN ACT to amend the charter of the Taxing District of Shelby County, created and organized under an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same, and the acts amendatory thereof." (Ch. 163, page 309.)

AN ACT to authorize incorporated Boards of Education of Public Schools in taxing districts of 30,000 inhabitants or over, according to Federal census of 1880, or any future census, to issue bonds for certain purposes. Approved April 4, 1889. (Ch. 185, page 349.)

AN ACT to amend an act entitled "An act to collect and dispose of the taxes assessed for municipal corporations in this State whose charters have been, or may be, repealed, or which may surrender their charters, and to provide for the compromise and make settlements of the debts of such extinct municipal corporations respectively," passed March 13, 1879, and being Chapter 91 of the Acts of 1879, so as to authorize the Taxing District of Shelby County to collect the remaining taxes and assets due to the extinct municipality of the City of Memphis, without the aid or interposition of a receivership. (Ch. 209, page 424.)

AN ACT to provide for a Board of Inspectors to examine and license engineers in cities and taxing districts having a population of 30,000 or over, under the Federal census of 1880, or any future census. (Ch. 219, page 439.)

ACTS OF 1890.—EXTRA SESSION.

AN ACT to amend an act entitled "An act to establish taxing districts of the second class, and to provide the means of local government therefor," passed April 1, 1881, and approved April 6, 1881. Approved March 14, 1890. (Ex. Ses., Ch. 31, page 71.)

1891.

AN ACT to levy and collect taxes for the Taxing District of Shelby County, Tennessee, for the years of 1891 and 1892, and to apportion the taxes levied and collected to different departments of the said Taxing District. Approved January 31, 1891. (Ch. 3, page 24.)

AN ACT to amend Section 17 of an act passed April 4, 1881, approved April 4, 1881, being Chapter 96 of the Acts of 1881, entitled an act to amend Sections 5, 7, 19 and 23 of an act passed January 29, 1879, approved January 31, 1879, entitled an act to establish taxing districts in this State, and to provide means of local government for the same, and also to amend Section 6, Subsections 2, 17, 31, 35, 36, 37, 46, 49, 50, 52, 53, 54, 56, and also adding Subsection 59 to Section 7, and amending Section 8 of an act entitled an act to establish taxing districts in this State, and to provide the means of local government for the same, said amendatory act having passed on the 12th day of March, 1879. Approved March 17, 1891. (Ch. 62, page 147.)

AN ACT to amend the original act passed January 29, 1879, Acts 1879, Chapter 11, entitled "An act to establish in this State taxing districts," and an act amending the same passed February 12, 1883, entitled "An act to amend Sections 5, 13, 15 and 21 of the Acts of 1879, Chapter 11, and to provide the means of local government of the same," Acts of 1883, Chapter 5, page 8, so as to increase the salary of the Secretary of the Taxing District and to fix his salary at an amount not exceeding \$2,500 per annum. Approved March 24, 1891. (Ch. 79, page 198.)

AN ACT to amend the act of Tennessee, passed January 29, 1879, establishing taxing districts, Acts of 1879, Chapter 11, so as to give to said taxing districts the power to dispose of and cancel double or illegal assessments of property for taxes assessed in favor of such taxing districts. Approved March 24, 1891. (Ch. 80, page 199.)

AN ACT to amend an act passed January 29, 1879, Acts of 1879, Section 14, creating taxing districts, and Section 9 of the Acts of 1889, Chapter 163, entitled "An act to amend charter of Taxing District of Shelby County," etc., so as to empower the attorneys for the collection of back taxes for the municipalities to file original bills in the name of the said municipality for the collection of the delinquent taxes. Approved March 26, 1891. (Ch. 81, page 200.)

AN ACT to amend an act passed January 29, 1879, Chapter 11, page 15, to establish taxing districts in this State, and acts amendatory thereto, so as to fix the salary of the Taxing District Engineer at a sum not greater than \$4,000 per annum. Approved March 26, 1891. (Ch. 82, page 201.)

AN ACT to amend an act passed January 29, 1879, Acts of 1879, Chapter 11, creating taxing districts in this State, and acts amendatory thereto, so as to pay, in addition to the salaries now provided for the members of the Legislative Council of the Taxing District, the further sum of \$5 to each member of the Board of Public Works for each and every meeting of the Legislative Council which he or they may attend and therein officially act. Approved March 26, 1891. (Ch. 83, page 201.)

AN ACT to repeal the act of the General Assembly of Tennessee, passed March 18, 1890, and approved March 18, 1890, being of the public acts passed at the third session of the Forty-sixth General Assembly of Tennessee, Acts of Extra Session of Tennessee, 1890, Chapter 1, pages 109, 110 and 111, and entitled

"An act to extend the corporate limits of the Taxing District of Shelby County, Tennessee, and to prescribe the conditions upon which said extension is made, so as to reinstate the corporate limits of the Taxing District of Shelby County, Tennessee, as the same existed prior to the passage of the said act of March 18, 1890, as above stated." Approved March 26, 1891. (Ch. 84, page 202.)

1893.

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, and all acts amendatory thereof, so as to give the Legislative Council of the City of Memphis power to levy taxes for the support of said city, and to change the manner of filling any vacancy in the Board of Fire and Police Commissioners, or the Board of Public Works of said city; and to provide a Street and Sewer Commissioner for said city. Approved April 5, 1893. (Ch. 84, page 110.)

AN ACT to authorize the City of Memphis to issue sixty thousand (\$60,000) dollars of market house bonds, and to secure the same by a mortgage of its market house grounds, for the purpose of erecting building thereon, and otherwise improving the same. Approved April 6, 1893. (Ch. 86, page 115.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same." Passed January 29, 1879, approved January 31, 1879. Approved April 10, 1893. (Ch. 103, page 210.)

AN ACT to authorize the City of Memphis to convey to the Old Folks' Society of Shelby County a certain unused burying ground, known as "Winchester Cemetery;" and also to authorize said society to remove the bodies now buried therein to some other suitable locality in Shelby County, outside of and beyond the corporate limits of said City of Memphis. Approved April 10, 1893. (Ch. 104, page 210.)

1895.

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," the same being Chapter 11 of the Acts of 1879, so as to authorize the City of Memphis to issue three million (\$3,000,000) dollars of bonds for the purpose of refunding its bonded debt at a lower rate of interest. Approved April 4, 1895. (Ch. 56, page 75.)

AN ACT to authorize the City of Memphis to levy a special hospital tax for the purpose of building and equipping a new hospital, "and to amend Chapter 16 of the Acts of 1873, granting to the City of Memphis the Memphis Hospital grounds, and Chapter 57 of the Acts of 1887, authorizing the sale of said Memphis Hospital grounds." Approved February 8, 1895. (Ch. 84, page 126.)

AN ACT to fix the compensation of the County Trustee of Shelby County, Tennessee, for the collection and disbursement of the taxes, and the handling of other funds of the City of Memphis. Approved April 8, 1895. (Ch. 91, page 154.)

AN ACT to amend Chapter 84 of the Acts of 1893, entitled "An act to amend an act entitled an act to establish taxing districts in this State, and to provide means of local government for the same," passed January 29, 1879, and all acts amendatory thereof, so as to give the Legislative Council of the City of Memphis power to levy taxes for the support of said city, and change the manner of filling any vacancy in the Board of Fire and Police Commissioners, or in the Board of Public Works in said city, and to provide a Street and Sewer Commissioner for said city. Approved May 13, 1895. (Ch. 172, page 368.)

1897.

AN ACT to prevent the use of an open patrol wagon, or open vehicle of any kind, by any municipality or taxing district, or

other form of municipal government, for the purpose of transporting persons under arrest from one point to another, and to provide closed vehicles in such cases, and to provide a penalty for the violation of this act. Approved March 15, 1897. (Ch. 53, page 194.)

AN ACT to empower municipal corporations having 20,000 population and upward, according to the Federal census of 1890, or any subsequent Federal census, to establish and maintain free public libraries and reading rooms, and to aid certain free public library associations already established, and to provide for their protection, management and control; and to empower such libraries and library associations to receive gifts of money and other property, and to exempt their property from taxation and execution. Approved April 9, 1897. (Ch. 105, page 253.)

AN ACT to amend the charter of the City of Memphis in respect of the conditions of bonds to be given on appeals from judgments rendered in the Police Court; to provide that appeals shall be from said Police Court to the Second Circuit Court of Shelby County, and to transfer to said Circuit Court such appealed cases now pending in the First Circuit Court of Shelby County. Approved April 29, 1897. (Ch. 156, page 343.)

AN ACT to amend the charter of the City of Memphis so as to prescribe the qualifications of voters in municipal elections. Approved March 19, 1897. (Ch. 195, page 412.)

AN ACT to amend the charter of the City of Memphis, so as to authorize said city, by ordinance, to provide that all delinquent taxes for the years 1879 to 1888, both inclusive, may be, when collected, carried to surplus account and be subject to appropriation by the Legislative Council of said city. Approved March 15, 1897. (Ch. 215, page 516.)

AN ACT to amend the charter of the City of Memphis, by authorizing the Legislative Council of said city to fix the com-

pensation of its Wharf Master at a sum not to exceed twelve hundred dollars per annum, payable in monthly installments. Approved March 15, 1897. (Ch. 224, page 531.)

AN ACT to authorize the City of Memphis to reduce assessments in certain cases. Approved March 15, 1897. (Ch. 274, page 597.)

AN ACT to amend the charter of the City of Memphis, said charter being embraced in an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and acts amendatory thereof, so as to provide that the day and night police of said city, inclusive of the Chief, should consist of one policeman to every seven hundred and fifty inhabitants by the Federal census of 1890. Approved April 29, 1897. (Ch. 277, page 601.)

AN ACT to authorize the City of Memphis to take the census of said city. Approved April 10, 1897. (Ch. 285, page 609.)

1898.—EXTRA SESSION.

AN ACT to extend and change the corporate limits of the City of Memphis, Shelby County, Tennessee, and to prescribe the conditions upon which said extension is made. (Ex. Ses., Ch. 6, page 53.)

AN ACT to authorize the City of Memphis to build, purchase, acquire control of, and to extend a system of waterworks, to be maintained and operated for the benefit of said city and its inhabitants; to issue bonds for the purpose aforesaid, and to enable said city to compel all owners, tenants and occupants of houses to take and use the water so supplied. Approved February 5, 1898. (Ch. 13, page 66.)

AN ACT to amend Chapter 172 of the Acts of 1895 entitled "An act to amend Chapter 84 of the Acts of 1893, entitled 'An act to amend an act entitled "An act to establish taxing dis-

tricts in this State, and to provide the means of local government for the same," passed January 29, 1879, and all acts amendatory thereof, so as to give the Legislative Council of the City of Memphis power to levy taxes for the support of said city, and to change the manner of filling any vacancies in the Board of Fire and Police Commissioners, or in the Board of Public Works of said city, and to provide a Street and Sewer Commissioner for said city,' passed May 13, 1895," and all acts amendatory thereof, so as to enlarge the power of the Legislative Council of the City of Memphis, to levy taxes for municipal purposes for the support of said city. Approved January 28, 1899. (Ch. 14, page 71.)

1899.

AN ACT to authorize and empower the taxing districts, cities and towns of this State having a population of 60,000 or more, according to the Federal census of 1890, or any subsequent Federal census, to build, purchase or acquire control of, in any manner, and to extend a system of waterworks to be maintained and operated for the benefit of such taxing districts, cities and towns and their inhabitants, and to issue bonds of whatever character, and to make such mortgages, guarantees, contracts and agreements of whatever nature that may be necessary or expedient for the carrying out of the purposes aforesaid, and to authorize any water company supplying such taxing district, city or town and its inhabitants with water, to sell its plant and property to such taxing district, city or town, and to authorize the stockholders of such water company to sell their stock to such taxing district, city or town, and take in exchange therefor the bonds of such water company, and to make such other contract or agreement whereby such taxing district, city or town shall acquire ownership or control of such waterworks, as may be agreed upon, and to authorize such taxing district, city or town, after acquiring control of such waterworks, to estab-

lish regulations for the operation and management thereof. Approved January 28, 1899. (Ch. 32, page 41.)

AN ACT to confer the power upon taxing districts of this State of 60,000 and over, according to the Federal census of 1890, or any subsequent census, to compel the owners and occupants of houses situated within their limits to take and use for sanitary purposes the water furnished by any general water system, whether such water system is owned or operated by such taxing districts or by a private company. Approved January 28, 1899. (Ch. 47, page 66.)

AN ACT to amend an act entitled a bill to establish taxing districts in this State, and to provide the means of local government for the same, being Chapter 11 of the Acts of 1879, and to authorize the City of Memphis to levy a special sewer tax, and to provide for the payment and collection thereof. Approved January 25, 1899. (Ch. 49, page 70.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, so as to extend and enlarge the powers of the City Attorney in taxing districts having a population of 60,000 or more, according to the Federal census of 1890, or any subsequent Federal census, and to provide for his compensation. Approved January 28, 1899. (Ch. 53, page 75.)

AN ACT to grant certain school privileges to children residing within one-half mile of the limits of the City of Memphis. Approved January 28, 1899. (Ch. 59, page 82.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 2, 1879, and approved January 31, 1879, being Chapter 11 of the Acts of 1879, and the amendments thereto, so as to prohibit the discharge of the

officers and employes of certain departments, except after trial; to provide for the examination and appointment of candidates for positions in said departments; and to provide rules and regulations for the improvement of the municipal service; and to provide for the retirement of members of the Fire and Police Departments at a certain age, after twenty-five years of service, with a certain specified salary; and to further provide for officers and men injured while in the discharge of their duties, and for the dependent families of officers and men killed in the performance of duty, and to provide a fund from which moneys for these purposes shall be paid. Approved January 28, 1899. (Ch. 61, page 84.)

AN ACT to amend Section 9 of Chapter 84 of the Acts of 1893, establishing the position of Street Commissioner in certain taxing districts, so as to provide that, after January 1, 1900, the Street Commissioner shall be elected and his compensation fixed by the Legislative Council. Approved January 28, 1899. (Ch. 66, page 93.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, and the amendments thereto, so as to confer power upon said taxing districts to condemn the plant, franchises and property of any waterworks company furnishing water to such taxing districts and their inhabitants, and to provide means for paying for such waterworks company. Approved January 28, 1899. (Page 95.)

AN ACT to transfer to the School Commissioners of Board of Education of the City of Memphis all of the public school property and public school funds in the hands of the district school directors in the territory who may attend the public schools of the act passed at the present session of the Legislature; to provide for the management and conduct of the district schools in the territory so annexed during the present

scholastic year, and for the payment of tuition fees by children residing in said annexed territory who may attend the public schools of the City of Memphis until the close of the present school year. Approved March 30, 1899. (Ch. 122, page 198.)

AN ACT to validate and ratify the contracts between the Taxing District of Shelby County and the Artesian Water Company. Approved January 25, 1899. (Ch. 124, page 202.)

AN ACT to extend and change the corporate limits of the City of Memphis, Shelby County, Tennessee, and to provide that the annexed territory shall not pay, or be liable for, any part of the principal or interest of the indebtedness of said city outstanding at the time of such annexation. Approved January 25, 1899. (Ch. 134, page 221.)

AN ACT to amend an act entitled "An act to create taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, and the acts amendatory thereof, so as to increase the number of Supervisors of the Board of Public Works to eight members, and to provide for the appointment or election of the additional members; to fix their power and duties; to increase the compensation of all members of said Board of Public Works, and to fix the number required for a quorum of the Legislative Council, and the number required to transact business. Approved March 31, 1899. (Ch. 139, page 242.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower the taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public. Approved March 31, 1899. (Ch. 142, page 250.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," passed January 29, 1879, and the amendments thereto, so as to provide that the members of the Board of Fire and Police Commissioners and the Supervisors of the Board of Public Works shall be residents of such taxing districts or territory annexed thereto for five years preceding their election or appointment. Approved April 6, 1899. (Ch. 200, page 397.)

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish taxing districts in this State, and to provide the means of local government for the same,' passed January 29, 1879, approved January 31, 1879," so as to provide that the City Engineer, Assistant Engineer and all other officers and employes of the Engineering Department of such taxing districts shall be appointed by the Board of Fire and Police Commissioners upon the nomination of the Mayor. Approved April 17, 1899. (Ch. 232, page 476.)

AN ACT to refund to the City of Memphis certain commissions paid by it, and to provide that hereafter no commissions shall be charged for the collection of its taxes. Approved April 17, 1899. (Ch. 248, page 564.)

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 60,000 inhabitants or over, according to the Federal census of 1890, or any future census, to issue bonds for certain school purposes. Approved April 22, 1899. (Ch. 273, page 654.)

AN ACT to limit the time in which suits may be brought against any municipal corporation to recover the State or county privilege tax on litigation in cases tried before a Mayor's or Recorder's Court, or any Police Court of such corporation, and to authorize the dismissal of such suits now pending. Approved April 22, 1899. (Ch. 274, page 656.)

1901.

AN ACT to amend Section 1 of an act entitled "An act to empower municipal corporations having 30,000 population and upward, according to the Federal census of 1890, or any subsequent Federal census, to establish and maintain free public libraries and reading rooms, and to aid certain public libraries already established, and to provide for their protection, management and control, and to empower such libraries and library associations to receive gifts of money or other property, and to exempt their property from taxation and execution," being Chapter 105 of Acts of 1887, so as to raise the limit of appropriation therein provided for. (Ch. 2, page 4.)

AN ACT to amend an act entitled "An act to amend an act to establish taxing districts in this State, and to provide the means of local government for the same, being Chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public," so as to vest said taxing districts and cities with the power and authority to execute trust deeds upon park lands and their public property other than that acquired under the said act, such trust deeds to secure the payment of any bonds and interest coupons issued under said act; and to authorize said taxing districts and cities to establish a sinking fund for the payment of the principal of said bonds at their maturity. (Ch. 9, page 18.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, and to authorize the City of Memphis to levy a special improvement tax and to provide for the collection and use thereof." (Ch. 94, page 136.)

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and to provide the means of local gov-

ernment for the same, being Chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower the taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public," being Chapter 142 of the Acts of 1899, so as to authorize the Legislative Council of such taxing district or city to adorn such park belonging to said taxing district or city as said Legislative Council may select by the erection of an equestrian statue of Gen. Nathan Bedford Forrest. (Ch. 103, page 145.)

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, to issue bonds for certain school purposes. (Ch. 123, page 185.)

A BILL to be entitled "An act to repeal an act approved January 28, 1899, entitled 'An act to establish taxing districts in this State, and to provide the means of local government for the same,'" passed January 29, 1879, and amendments thereto, so as to prohibit the discharge of the officers and employes of certain departments, except after trial, and to provide for an examination and appointment of candidates for positions in said departments, and to provide rules and regulations for the improvement of the municipal service, and to provide for the retirement of the members of the Fire and Police Departments at a certain age, after twenty-five years of service, with a certain specified salary, and to provide further for officers and men injured while in the discharge of their duty, and for the dependent families of officers and men killed in the performance of duty; and to provide a fund from which moneys for this purpose shall be paid;" and to amend the aforesaid act approved January 31, 1879, entitled "An act to establish taxing districts in this State, and to provide the means of local government for the same," so as to provide for the appointment and dis-

charge of certain officers and employes of the City of Memphis by the Mayor, and so as to confer upon the Legislative Council of the City of Memphis the power to fix the compensation of the President of the Board of Health and his assistants and department officers. (Ch. 149, page 256.)

A BILL to be entitled "An act to allow the City of Memphis to release and have stricken from the roll all taxes claimed to be due the City of Memphis prior to the year 1879." (Ch. 205, page 446.)

CHAPTER 436, ACTS OF 1903.

REPEALING ACT PROVIDING CIVIL SERVICE RULES.

A BILL to be entitled "An act to repeal Chapter 61 of the Acts of 1899."

CHAPTER 534, ACTS OF 1903.

COSSITT LIBRARY.

AN ACT to levy and provide for the collection of taxes within taxing districts having a population of 100,000 and upwards, according to the Federal census of 1900, or any subsequent Federal census, for the purpose of maintaining free public libraries within such taxing districts.

CHAPTER 556, ACTS OF 1903.

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide the means of local government for same," being Chapter 11 of the Acts of 1879, and to authorize the City of Memphis to buy land, either at private sale or by condemnation, in order that it may erect levees, build and equip pumping stations, dams, reservoirs, wells and locks, for protecting itself, citizens and sewer system from the overflow and backwaters of the Mississippi River.

CHAPTER 557, ACTS OF 1903.

AN ACT to amend an act entitled "A bill to establish taxing districts in this State, and to provide means of local govern-

ment for the same," being Chapter 11 of the Acts of 1879, and to authorize the City of Memphis to levy a special tax to protect itself, its streets, property and sewer system from the overflowing and backwaters of the Mississippi River or Wolf River, and to provide for the payment and collection of said special tax.

CHAPTER 362, ACTS OF 1903.

AN ACT to amend an act entitled "An act to amend an act to establish taxing districts in this State, and to provide the means of local government for the same, being Chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower the taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public (so as to vest said taxing districts and cities with the power and authority to execute trust deeds upon park lands and other public property other than that acquired under said act, such trust deeds to secure the payments of any bonds and interest coupons issued under this act; and to authorize said taxing districts and cities to establish a sinking fund for the payment of the principal of said bonds at their maturity, passed March 27, 1899, and being Chapter 142 of the Acts of 1899), so as to authorize and empower said taxing districts or cities to levy a special park tax of not exceeding twenty cents on the one hundred dollars for any one year.

CHAPTER 366, ACTS OF 1903.

AN ACT to be entitled an act to amend an act "To establish taxing districts in this State, and to provide the means of local government for the same," being Chapter 11 of the Acts of 1879, so as to authorize such taxing districts to regulate and control the charge of certain public utilities, companies and corporations, now or hereafter operating within such taxing districts, and to fix the succession of the office of Mayor and Vice-Mayor, in the event of a vacancy in either one or both of these offices;

and to abolish the office of Chairman of the Board of Public Works; and to permit the Board of Fire and Police Commissioners to make contracts in all cases of actual emergency, where the amount of said contract does not exceed the sum of one thousand (\$1,000) dollars, and to vest the Legislative Council with the power to determine in what cases, and to what extent, the city ordinances, when passed by the City Council, shall be published; and to empower the Board of Fire and Police Commissioners to fix and to regulate the scale of salaries of the officers of the Fire and Police Department, and to fix the rank and number of such officers, and to amend Section 1 of Chapter 172 of the Acts of 1895, and Section 4 of Chapter 84 of the Acts of 1893, and Section 1, Chapter 19, Acts of 1899, prohibiting the City of Memphis from levying more than six hundred thousand (\$600,000) dollars of taxes for any one year within the original territory of such city, so as to provide that the gross levy for general purposes shall not exceed one million one hundred thousand (\$1,100,000) for the entire City of Memphis, and to apportion the same and to establish the office of Tax Assessor and his assistant for such taxing district, and to fix the duties of same and to fix their compensation and bond, and to provide a Board of Equalization to revise assessments made by such Assessor; and to amend Section 14, Chapter 11 of the Acts of 1879, and Section 2 of Chapter 149 of the Acts of 1901, so as to provide for the election of the City Attorney in cities and taxing districts having a population of sixty thousand (60,000) or more, according to the Federal census of 1890, or of any subsequent Federal census.

CHAPTER 339, ACTS OF 1903.

AN ACT to amend Chapter 32 of the Acts of 1899 of Tennessee, being an act entitled "An act to authorize and empower the taxing districts, cities and towns of this State, having a population of 60,000 or more, according to the Federal census of 1890, or any subsequent Federal census, to build, purchase or acquire

control of in any manner, and to extend a system of waterworks to be maintained and operated for the benefit of such taxing districts, cities and towns and their inhabitants, and to issue bonds of whatever character, and to make such mortgages, guarantees, contracts and agreements of whatever nature that may be necessary or expedient for the carrying out of the purposes aforesaid, and to authorize any water company supplying such taxing district, city or town and the inhabitants with water, to sell its plant and property to such taxing district, city or town, and to authorize the stockholders of such water company to sell their stock to such taxing district, city or town, and take in exchange therefor the bonds of such water company, and to make such other contract or agreement whereby such taxing district, city or town shall acquire ownership or control of such waterworks as may be agreed upon, and to authorize such taxing district, city or town, after acquiring control of such water works, to establish regulations for the operation and management thereof," so as to authorize and empower such taxing districts, cities and towns to issue their negotiable bonds to an amount not exceeding \$3,500,000 for waterworks purposes, and to provide moneys for the payment of principal and interest of such bonds out of the revenues from said waterworks and by taxation, and repealing inconsistent provisions of said Chapter 32 of the Acts of 1899.

CHAPTER 155, ACTS OF 1903.

A BILL to repeal Chapter 149 of the Acts of the General Assembly of the State of Tennessee, passed April 18, 1901, and approved April 22, 1901, providing for the appointment and discharge of certain officers and employes of the City of Memphis, by the Mayor, and conferring upon the Legislative Council of the city the power of fixing the compensation of the President of the Board of Health and his assistants and department officers.

CHAPTER 172, ACTS OF 1905.

SENATE BILL NO. 22.

AN ACT entitled "An act to amend the charter of the City of Memphis, which said charter is to be found in an act to establish taxing districts in this State, and to provide the means of local government for the same," approved January 31, 1879, and acts amendatory thereof, so as to empower and direct the Legislative Council of the City of Memphis to issue bonds to erect an electric lighting plant and gas plant.

CHAPTER 54, ACTS OF 1905.

SENATE BILL NO. 162.

A BILL to be entitled "An act to amend an act entitled 'An act to establish taxing districts in this State, and to provide the means of local government for the same; the same being Chapter 11 of the Acts of 1879, and all the acts amendatory thereof, constituting the charter of the City of Memphis, so as—

"1. That, among other things, to add two more members to the Board of Fire and Police Commissioners, and to provide for the temporary appointment of same.

"2. To add two more members to the Supervisors of the Board of Public Works, and to provide for the temporary appointment of same.

"3. To more clearly define the powers and duties of the Mayor.

"4. To set forth the powers and duties of the Legislative Council.

"5. To provide a method of letting city contracts and franchises.

"6. To provide for the election of City Engineer and other officers not named.

“7. To provide for a City Court and a Judge thereof, define his duties and fix his compensation.

“8. To provide for a Clerk of such City Court.

“9. To set forth and define the duties and powers of the Fire and Police Commissioners.

“10. To provide for the election of the Chief of the Fire and Police Departments.

“11. To provide for the reorganization of the Fire and Police Departments by the introduction of the merit system of civil service.

“12. To abolish the office of City Secretary.

“13. To provide for a City Register, to define his duties and fix his compensation, and give him an assistant.

“14. To provide for a City Attorney and assistant.

“15. To change the date of holding city elections.

“16. To provide for the systematic examination of City Accountants.

“17. To provide for the removal of Mayor, Vice-Mayor or any member of the Council in certain cases.

“18. To provide for the separate sittings of the Supervisors of the Board of Public Works and the Board of Fire and Police Commissioners, and the organization of said separate bodies.”

CHAPTER 13, ACTS OF 1905.

AN ACT to cede to the United States exclusive jurisdiction of the strip of land immediately north of and adjoining the United States Marine Hospital Reservation, in the City of Memphis, County of Shelby, State of Tennessee, conveyed by the City of Memphis by deed dated September 19, 1904.

CHAPTER 56, ACTS OF 1905.

AN ACT to amend an act entitled "An act to establish taxing districts in this State, and provide means of local government for same," the same being Chapter 11 of the Acts of 1879, and all amendments thereto, so as to provide that the Trustee of Shelby County shall collect and disburse the current and delinquent taxes of the City of Memphis, and to provide for his compensation therefor; and, requiring him to give bond, and to furnish all clerical assistance; to vest in such city the full power to fix the time of payment of current taxes, and to enforce such measures as may be necessary or expedient for the collection of its delinquent taxes, and to repeal Chapter 301 of the Acts of 1899.

CHAPTER 164, ACTS OF 1905.

A BILL to be entitled "An act to amend an act passed February 3, 1905, entitled 'An act to amend an act entitled "An act to establish taxing districts in this State, and to provide means of local government for the same," etc., so as to authorize the Legislative Council to close streets and alleys for the purpose of providing a site for a union passenger station, and to convey said streets and alleys, when closed, to a railroad terminal corporation.'"

CHAPTER 195, ACTS OF 1905.

AN ACT to levy and provide for the collection of taxes within taxing districts and cities having a population of 100,000 and upwards, according to the Federal census of 1900, or any subsequent Federal census, for the purpose of acquiring, constructing and maintaining parkways, boulevards and parks.

CHAPTER 251, ACTS OF 1905.

A BILL to be entitled "An act to amend so much of Section 1 of the Acts of 1879, Chapter 84, approved March 13, 1879, establishing taxing districts to regulate, control and suppress gaming houses."

CHAPTER 321, ACTS OF 1905.

AN ACT to repeal Sections 2 and 3 of an act entitled "A bill to be entitled 'An act to amend an act entitled "An act to provide for the construction, repairing and buying of turnpike, macadamized and graded roads, gravel roads,"' passed March 23, 1883, Chapter 167, and to amend an act entitled 'An act to provide for the construction, repairing and buying of turnpikes, macadamized and graded gravel roads,' passed April 10, 1893, Chapter 177, so as to change the rate of taxes for said purpose, and for the expenditure of the same," being Chapter 365 of the published Acts of 1903, passed April 13, 1903.

CHAPTER 340, ACTS OF 1905.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any subsequent Federal census, to issue bonds for certain school purposes.

CHAPTER 345, ACTS OF 1905.

A BILL to be entitled "An act to amend an act entitled 'An act to establish taxing districts in this State, and to provide the means of local self-government for the same, the same being Chapter 11 of the Acts of 1879, and all the acts amendatory thereof, constituting the charter of the City of Memphis,' so as to provide a uniform rate of city taxation on real and personal property."

CHAPTER 41, ACTS OF 1907.

HOUSE BILL NO. 294.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants or over, according to the Federal census of 1900, or any future census, to issue bonds for certain school purposes.

CHAPTER 87, ACTS OF 1907.

SENATE BILL NO. 225.

AN ACT to amend an act entitled "An act to provide for a more efficient management of the public schools in taxing districts where there is an incorporated system of public schools," passed February 27, 1883, and approved March 3, 1883, and the amendment thereof, passed March 5, 1891, and approved March 12, 1891, so as to provide for the compensation of the President, Commissioners and the Chairman of the Committee on Buildings and Grounds; and to provide that the tax levied for school purposes shall be a special tax, and to provide that the salary of the Superintendent shall not exceed \$3,600 per annum.

CHAPTER 184, ACTS 1907.

SENATE BILL NO. 289.

AN ACT to modify and change in certain respects the form of government of the City of Memphis by abolishing certain municipal officers, departments and agencies, and creating others; to alter and change some of its powers and to create others; to amend its existing charter or charters, or acts of the General Assembly, under which it is organized and exists as a municipality, so as to continue its existence, with a more efficient form of government, and with powers altered and enlarged, so as to secure and promote better government and administration, and to amend an act entitled "An act to establish taxing districts in the State, and to provide the means of local government for the same," being Chapter 11, Acts of 1879, and all acts amendatory thereof; and also to amend Chapter 54 of the Acts of 1905, entitled "A bill to be entitled an act to establish taxing districts in this State, and to provide the means of local government for the same," the same being Chapter 2 of the Acts of 1879, and all acts amendatory thereof, constituting the charter of the City of Memphis; and to better and perfect the charter of said City of Memphis, created by the acts of Assembly aforesaid.

The above act was held unconstitutional by the Supreme Court.

CHAPTER 202.

HOUSE BILL NO. 150.

AN ACT to enable the Boards of Health to have better control of and to facilitate the inspection of milk offered for sale within taxing districts and cities having a population of one hundred thousand and upward, according to the Federal census of 1900, or any subsequent Federal census, and to provide for the Boards of Health to issue permits for the production or sale of milk, to provide for the revoking of said permits, and to fix a fee to be charged for said permits; to empower the Boards of Health to fix the standard of milk and its products, and to make it a misdemeanor to sell milk and its products of lower grade than said standard; and to empower the Boards of Health to make and enforce rules and regulations with regard to the sale of milk and its products.

CHAPTER 311.

SENATE BILL NO. 332.

AN ACT to authorize the City of Memphis to convey certain alleys to the County of Shelby for the purpose of erecting a courthouse thereon.

CHAPTER 376.

HOUSE BILL NO. 963.

AN ACT to amend an act entitled "An act to provide for a more efficient management of the public schools in taxing districts where there is an incorporated system of public schools," passed February 27, 1883, and approved March 3, 1883.

CHAPTER 198, ACTS 1907.

AN ACT entitled an act to repeal Chapter 345 of the Acts of the General Assembly of 1905, the same being House Bill No. 797, entitled "An act to amend an act entitled an act to establish taxing districts in the State, and to provide the means of local

self-government for the same, the same being Chapter 11 of the Acts of 1879, and all the acts amendatory thereof, constituting the charter of the City of Memphis, so as to provide a uniform rate of city taxation on real and personal property.

CHAPTER 246, ACTS 1907.

AN ACT to authorize the City of Memphis to issue bonds to an amount not exceeding \$600,000 for the purpose of refunding such part of its bonded indebtedness as shall mature during the year 1907.

CHAPTER 7, ACTS 1907.

AN ACT to levy and provide for the collection of taxes within taxing districts and cities having a population of 100,000 and upward, according to the Federal census of 1900, or any subsequent Federal census, for the purpose of acquiring, constructing and maintaining parkways, boulevards and parks.

CHAPTER 341, ACTS 1907.

AN ACT to empower municipalities having a population exceeding 100,000 inhabitants, by the Federal census of 1900, or any subsequent Federal census, to open, extend, widen, grade, pave, macadamize or otherwise improve streets, alleys and highways; to levy and collect special taxes and local contributions on real estate abutting the same; to authorize the issuance of certificates of indebtedness to pay for the same; to provide for the redemption of such certificates; and to authorize the creation of improvement districts.

CHAPTER 243, ACTS OF 1909.

AN ACT entitled an act to amend Chapter 166 of the Acts of 1899, being entitled "An act to amend Chapter 167 of the Acts of 1883, and Chapter 1 of the Acts of 1891, and Chapter 10 of

the extraordinary session of 1893, so as to provide for the expenditure of the turnpike, highways and bridge taxes collected in suburban districts annexed to any taxing district organized under the Acts of January 29, 1879," and any subsequent amendments thereof.

SENATE BILL NO. 342, ACTS OF 1909.

EXTENDING CITY LIMITS.

AN ACT entitled "An act to extend and change the corporate limits of the City of Memphis, in Shelby County, Tennessee."

CHAPTER 480, ACTS OF 1909.

DRAINAGE THROUGH PRIVATE PROPERTY.

A BILL to be entitled an act to amend Chapter 11 of the Acts of 1879, entitled "A bill to establish taxing districts in this State, and to provide the means of local government for the same," approved January 31, 1879, and all acts amendatory thereof.

CHAPTER 374, ACTS OF 1909.

COMMUNICABLE DISEASE HOSPITAL.

A BILL to be entitled an act to amend an act entitled an act to establish taxing districts in this State, and to provide the means of local government for the same, being Chapter 11 of the Acts of 1879, and all the acts amendatory thereof, constituting the charter of the City of Memphis, so as to authorize the legislative body, or agency which shall succeed to the duties and function of said Legislative Council, to levy a special tax for the purpose of establishing a hospital in said City of Memphis for the treatment of communicable diseases, and to provide for the collection of the same.

HOUSE BILL NO. 810, ACTS OF 1909.

AN ACT to be entitled an act to amend an act to establish taxing districts in this State, and to provide the means of local self-government for the same, being Chapter 11 of the Acts of

1879, and to amend Chapter 366 of the Acts of 1903, and especially Section 3 and Subsections 4 and 5 of said Act of 1903, and all other acts amendatory of said Chapter 11 of the Acts of 1879, so as to confer on the Tax Assessor of the City of Memphis the right and power to assess the *ad valorem* tax on merchants and others, and all other *ad valorem* taxes which are now and have been assessed by the County Court Clerk of Shelby County, and to give said Tax Assessor power to administer oaths with respect to assessments and valuations of property for taxation, and to give him \$4,000.00 per year, payable in monthly installments, as a compensation in the room and stead of his salary of \$3,000.00, and to make his assistant's salary \$1,500.00 in room and stead of his salary of \$900.00, and especially to amend Section 3 and Subsections 4 and 5 of said Chapter 336 of the Acts of 1903.

CHAPTER 356, ACTS OF 1909.

BONDS FOR POLICE STATION.

A BILL to be entitled "An act to amend an act entitled 'An act to establish taxing districts in this State, and provide means of local government for the same (the same being Chapter 11 of the Acts of 1879), and all acts amendatory thereof, so as to authorize the City of Memphis to issue two hundred and sixty thousand dollars (\$260,000) of bonds for the purpose of erecting a police station and an engine house in said city, and of tearing down an old engine house, and to declare the manner in which said bonds shall be issued and disposed of, and the manner in which the proceeds of said bonds shall be kept and paid out, and the said police station and engine house erected, and the old engine house torn down, and to provide for the payment of bonds and the interest thereon."

CHAPTER 238, ACTS OF 1909.

AN ACT to authorize incorporated Boards of Education of public schools in cities and taxing districts of 100,000 inhabitants

or over, according to the Federal census of 1900, or any future census, to issue bonds for certain school purposes.

CHAPTER 587, ACTS OF 1909.

STREET IMPROVEMENT BONDS.

A BILL to be entitled an act to amend an act entitled "An act to establish taxing districts in this State, and to provide means of local government for the same" (the same being Chapter 11 of the Acts of 1879), and all amendatory acts, so as to authorize the City of Memphis to issue one million (\$1,000,000.00) dollars of bonds for the purpose of improving streets, alleys and highways of the City of Memphis, and for building sewers in said city.

CHAPTER 141, ACTS OF 1909.

AN ACT to authorize the City of Memphis to issue bonds in an amount not exceeding \$1,000,000 for the purpose of acquiring property for park purposes, and completing the system of parks, parkways and boulevards of the City of Memphis.

CHAPTER 153, ACTS OF 1909.

AN ACT to regulate, in cities of more than 75,000 inhabitants, according to the Federal census of 1900, or any subsequent census, the licensing of persons, firms and corporations conducting or managing a business for installing any wires or electrical apparatus to convey electrical current for light, heat or power; and to provide for a Board of Electrical Examiners and Supervisors for said purpose, and to prevent the doing of such electrical work by persons, firms or corporations other than those licensed in accordance with the provisions of this act, and to provide a penalty for the violation thereof.

ADDENDA

CHAPTER 335, ACTS OF 1909.

AN ACT entitled "An act to grant certain school privileges to children residing within one-half mile of the limits of the City of Memphis."

Section 1. Hereafter children being within the school age now required by law and residing within one-half a mile of the limits of the City of Memphis as said limits now are or may be hereafter fixed shall be received in and have the right to attend, free of tuition, the public schools inside the City of Memphis nearest to their respective places of residence for five years from the date of passage of this act.

Passed April 26, 1909.

CHAPTER 458, ACTS OF 1909.

AN ACT to transfer to the School Commissioners of the Board of Education of the City of Memphis all of the public school property and the public school funds in the hands of the District School Directors, or of the County Board of Education, situated within the territory annexed to the City of Memphis during the present session of the Legislature; to provide for the management and conduct of the district schools in the territory so annexed; and for the payment of tuition fees by children residing in said annexed territory who may attend the public schools of the City of Memphis.

Section 1. All of the public schools and public school buildings, lands, leases, lots and other school property of every character situated within the territory annexed to the City of Memphis by an act of the Legislature passed on the 27th day of February, 1909, being Senate Bill 342, is hereby granted and transferred to the School Commissioners or the Board of Education of the City of Memphis, to be held and used for educational pur-

poses; but said School Commissioners or Board of Education shall not take possession or control of said school property until September 1st, 1909.

Sec. 2. All of the school funds in the hands of the School Directors of civil districts, or of the School Board of Shelby County belonging to the territory annexed to the City of Memphis by the act hereinbefore mentioned that shall be and remain in their hands or subject to their control on the 1st day of September, 1909, shall be turned over to the Board of Education of the said City of Memphis on that date; and where only a part of the said civil district, or any civil district, has been annexed aforesaid, the school funds shall be divided between the Board of Education of the City of Memphis and the Shelby County School Board, in proportion to the scholastic population within and without the part so annexed, the scholastic census of each part to be taken by the School Commissioners or Board of Education of the City of Memphis.

CHAPTER 325, ACTS OF 1909.

AN ACT to be entitled "An act to authorize the City of Memphis to create a fund for the purpose of pensioning members of the Police and Fire Departments of the city, and to compensate the members of said departments, or their families, in case they are killed or injured in the discharge of their duties, and to levy a special tax therefor.

Section 1. The City of Memphis is hereby empowered to create a fund for the purpose of pensioning members of the Police and Fire Departments of the city, and to compensate members of said departments, or their families, in case they are killed or injured in the discharge of their duties as members of said department.

Sec. 2. The city shall have power, by ordinance, to provide the cases in which said pensions shall be paid, together with the amounts to be paid said members.

Sec. 3. The city shall have power, in cases where any member of said departments shall have been injured in the discharge of his duty, to make provision for his compensation.

Sec. 4. The city shall have power, in cases where any member of said departments shall have been killed in the discharge of his duty, to make provision for the compensation of his family.

Sec. 5. This act is mandatory upon the city.

Sec. 6. The city shall levy a special tax of not more than one cent on the \$100 of taxable property for the purpose of creating a fund with which to meet the expenses and carry out the provisions of this act.

DIGEST OF THE ORDINANCES
OF THE
CITY OF MEMPHIS, TENNESSEE

Embracing all Ordinances passed up to and
including August 31, 1909.

CITY ORDINANCES.

CHAPTER 6.

ARTICLE I.

WARD BOUNDARIES.

Section 1. The City of Memphis is divided into twenty-two wards. The said wards are bounded as follows:

First Ward—That portion of the city bounded on the south by the alley between Exchange and Market streets, on the north and east by Bayou Gayoso, and on the west by Wolf River and the Mississippi River.

Second Ward—That portion of the city bounded on the south by the alley between Adams and Washington streets, on the east by Bayou Gayoso, on the north by the alley between Exchange and Market streets, and on the west by the Mississippi River.

Third Ward—All that portion of the city bounded on the south by Madison street, on the east by Bayou Gayoso, on the north by the alley between Adams and Washington streets, and on the west by the Mississippi River.

Fourth Ward—All that portion of the city bounded on the south by Beale street, on the east by Hernando street (now South Third) from Beale street north to Bayou Gayoso, and thence by the bayou northward to Madison street, and on the west by the Mississippi River.

Fifth Ward—All that portion of the city bounded on the south by Calhoun street and the south line of the South Memphis tract, on the east by Wellington street on the north by Madison street, and on the west by the Fourth Ward and South Rayburn boulevard.

Sixth Ward—All that portion of the city bounded on the south by Calhoun street, on the east by Causey (now South Rayburn)

WARD BOUNDARIES.

street, on the north by Beale street, and on the west by the Mississippi River.

Seventh Ward—All that portion of the city bounded on the south by the south line of the South Memphis tract, on the east by Walnut and Dunlap streets, on the north by Madison street, and on the west by Wellington street.

Eighth Ward—All that portion of the city bounded on the south by Madison street, on the east by Dunlap street, on the north by the track of the Memphis & Ohio (now L. & N.) railroad, and on the west by Bayou Gayoso.

Ninth Ward—All that portion of the city bounded on the south by the First and Eighth Wards, on the east by Manassas street to Jackson avenue, Jackson avenue to Dunlap street, and Dunlap street to Memphis & Ohio (now L. & N.) railroad, on the north by Kerr (now Bethel) street if extended in a straight line from Wolf River to Manassas street, and on the west by the Mississippi River.

Tenth Ward²—All that portion of the Tenth Ward, as now established, lying west of the line commencing at the south line of the Fifth Ward, in the middle of Hernando (now South Third) street, running thence south with the middle of said street to the middle of Georgia street, thence east with the middle of Georgia street to the center of Dean (now South Third) avenue, thence south with the middle of Dean (South Third) avenue to Broadway, or Railroad avenue, thence west with Broadway or Railroad avenue, to Bayou Gayoso, thence southwest with said bayou to Iowa avenue, thence west to the Mississippi River.

² Ordinance passed August 10, 1895.

WARD BOUNDARIES.

Eleventh Ward³—All that portion of the Tenth Ward as heretofore constituted, lying east of a line along the middle of Hernando street (now South Third street), on the west; and bounded on the north by the south line of the South Memphis tract; on the south by Broadway (now Railroad avenue), and on the east by Walnut street.

Twelfth Ward—Bounded on the north by Iowa avenue, or the south boundary line of the Tenth Ward, on the east by the east side of the Illinois Central Railroad (formerly Mississippi & Tennessee Railroad), on the south by the north line of Trigg avenue, on the west by the Mississippi River.

Thirteenth Ward—Bounded on the north by Broadway (or Railroad avenue), on the east by Mississippi avenue, on the south by north line of Trigg avenue, on the west by the east track of the Illinois Central Railroad (formerly Mississippi and Tennessee Railroad), or the east boundary line of the Twelfth Ward, and Bayou Gayoso.

Fourteenth Ward⁴—Bounded on the north by the south side of Broadway (or Railroad avenue), on the east by the Kansas City, Memphis & Birmingham Railroad tracks, to Trigg avenue, if extended; on the south by north line of Trigg avenue, or the south boundary line of the City of Memphis as now exists (acts of 1909 extending limits not embraced), on the west by Mississippi avenue, or the east boundary line of the Thirteenth Ward.

Fifteenth Ward⁴—Bounded on the north by Harbert avenue, on the east by Cooper street, or the east boundary line of the City of Memphis, on the south by a line which would be formed by the extension of Trigg avenue east to Cooper street, or the

³ Ordinance passed August 10, 1895.

⁴ Ordinance passed May 8, 1902.

WARD BOUNDARIES.

south boundary line of the City of Memphis, on the west by the Kansas City, Memphis & Birmingham Railroad tracks from Trigg avenue, if projected, in a northwesterly direction to South Bellevue avenue; thence north with South Bellevue avenue to the point of beginning.

Sixteenth Ward—Bounded on the north by Union avenue; on the east by west line of Cooper avenue; on the south by Harbert avenue, and on the west by Raleigh (now South Bellevue) avenue. And the lot on the northwest corner of McLean avenue and Union avenue, fronting 50 feet on McLean avenue and 200 feet on Union avenue, is part of the Sixteenth Ward.

Seventeenth Ward—Bounded on the north by the Poplar boulevard, on the east by west line of Cooper avenue, on the south by Union avenue, on the west by a line along the center of Bellevue avenue, commencing at Poplar boulevard and running south to Union avenue. Excepting the lot on the northwest corner of McLean avenue and Union avenue, fronting 50 feet on McLean avenue and 200 feet on Union avenue, which lot is part of the Sixteenth Ward.

Eighteenth Ward—Bounded on the north by Union avenue, on the east by Raleigh (now South Bellevue) avenue, on the south by south side of Broadway (or Railroad) and the track of the Kansas City, Memphis & Birmingham Railroad, and on the west by Walnut street.

Nineteenth Ward—Bounded on the north by Summer avenue (or the Speedway), on the east by Mhoon avenue (now North and South Bellevue boulevard); on the south by Union avenue, on the west by Dunlap street.

Twentieth Ward—Bounded on the north by Summer avenue (or the Speedway), on the east by Cooper street, on the south by Poplar boulevard, on the west by Mhoon avenue (now North Bellevue), on the east by Cooper street, if projected.

BONDS AND OATHS OF OFFICERS.

Twenty-first Ward—Bounded on the north by Volland avenue extended, or the north line of the City of Memphis; on the east by Cooper avenue extended, or the east boundary line of the City of Memphis; on the south by Summer street (or the Speedway); on the west by Marley (now Ayers street) avenue.

Twenty-second Ward—Bounded on the north by the extension of Volland avenue, if extended west in a straight line from Marley (now Ayers street) avenue to Wolf River, and being the north boundary line of the City of Memphis; on the east by Ayers street; on the south by the Ninth Ward and Summer street; on the west by Wolf River.

ARTICLE 2.

OFFICIAL BONDS AND OATH.

Sec. 2. The officers of the city shall respectively execute bonds, with good security, for the faithful performance of their respective duties, as now or hereafter required by ordinance, in the following sums:

Members of the Board of Fire and Police Commissioners	\$20,000.00
The Mayor, in his judicial capacity, before assuming such duties, \$10,000.00—conditioned to pay over to the trustee all fines and forfeitures, and all other moneys collected by him for the city, and for the faithful discharge of the duties of his office.	
Park Commissioners (3 members) each.....	5,000.00
Water Commissioner (3 members) each.....	10,000.00
Superintendent Water Department.....	25,000.00
Secretary Water Department.....	10,000.00
Board of Education (5 members) each.....	5,000.00
The President of the Board of Education shall enter into a \$5,000 bond additional.	
City Attorney	10,000.00

BONDS AND OATHS OF OFFICERS.

City Court Clerk	2,500.00
City Tax Assessor	5,000.00
City Engineer	20,000.00
City Register	10,000.00
City Tax Receiver: For general and special tax levy for each year; for the interest and sinking fund; for delinquent taxes; for licenses, rents, fines and all other revenues. The amount to be fixed each year by the Legislative Council.	
The bank or banks designated as depositories of the city's funds. Amount to be fixed each year.	
Gas Inspector	5,000.00
Building Commissioner	10,000.00
Meat Inspector	5,000.00
Harness Maker	1,000.00
City Paymaster	10,000.00
Plumbing Inspector	500.00
Street Commissioner	2,500.00
Superintendent City Hospital	5,000.00
Superintendent Board of Examiners of Steam En- gineers	1,000.00
Market Master	1,000.00
Inspector of Weights and Measures.....	5,000.00
Register of Licenses and Privileges	2,500.00
Wharfmaster	10,000.00

BOARD OF HEALTH.

President of the Board of Health.....	2,500.00
Superintendent of Garbage Department (each).....	500.00
Superintendent of Street Sprinkling (each).....	500.00
Food Inspector	500.00
Secretary of the Board	1,000.00
Milk Inspector	500.00
Sanitary Officers (each)	500.00

MISCELLANEOUS DUTIES OF OFFICERS.

POLICE DEPARTMENT.

Chief of Police	5,000.00
Chief of Detectives	2,000.00
Captains of Police, (each)	2,500.00
Sergeants of Police, (each)	1,000.00
Patrolmen, (each)	500.00
Detectives, (each)	500.00
Clerk to Chief of Police	500.00
Turnkeys, Day and Night Station House Keepers, (each)	500.00

FIRE DEPARTMENT.

Chief of Fire Department	10,000.00
Assistant Chiefs of Fire Department	5,000.00
Engineers in Fire Department	2,000.00
Captains in Fire Department	2,000.00

All bonds of city officers shall be approved by the Attorney and the Mayor, and ratified by the Legislative Council, and, with the oaths of office, shall be filed with the Mayor before the officers enter upon the discharge of their respective duties.

Sec. 3. All officers shall take the following oath before entering upon the duties of their offices:

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Tennessee, the laws and ordinances of this City, and that I will faithfully demean myself while in office. So help me God."

The oath of office, with the official bond, when approved, shall be filed with the Mayor.

ARTICLE 3.

MISCELLANEOUS DUTIES OF OFFICERS.

Sec. 4. All officers of the city shall attend the regular meetings of the Legislative Council; and any officer of the city desiring to be temporarily absent shall apply to the Mayor for leave of

To attend
Council meet-
ings.

MISCELLANEOUS DUTIES OF OFFICERS.

absence, which may, in the discretion of the Mayor, be granted, in writing, for any time not exceeding thirty days; and any officer being absent without the written permission of the Mayor shall thereby vacate his office, which shall be filled as in case of any other vacancy.

Suspension
for negli-
gence or in-
competence.

Sec. 5. Any officer of the city violating any of his official obligations or being charged with culpable negligence or dereliction of duty, or with conduct inconsistent with his official character and duty, or with official incompetency, shall be suspended from office by the Mayor, who shall appoint a person to fill the office for the time being, and without unnecessary delay report the charges, with his action, to the Board of Fire and Police Commissioners.

Removal for
extortion, etc.

Sec. 6. Every officer who shall refuse or willfully fail to perform the duties imposed upon him by law or ordinance, or who shall, in his official acts, be guilty of any fraud, extortion, oppression, or favoritism, or willful injustice, or for any satisfactory cause, shall be removed from office. The method of removal shall be by a vote of the Legislative Council, two-thirds of them voting in the affirmative.

Unauthor-
ized accounts
against city,
removal for.

Sec. 7. Any officer or agent of the city who shall contract any account against the city unless in pursuance of the orders of the Legislative Council, shall be subject to removal from office, and the amount shall be charged up to his account and deducted from his salary or wages.

Removal for
lending city
property.

Sec. 8. No officer shall loan out, or use on his own account, on any pretext, any money of the city in his hands, or, on any pretext, pledge or loan any of the property, notes, bonds or other securities of the city, except as ordered by the Legislative Council; and the doing of any of these things is hereby declared sufficient cause of removal.

MISCELLANEOUS DUTIES OF OFFICERS.

Sec. 9. Every officer or agent of the city, on going out of office, shall deliver over to his successor, or to the Legislative Council, all books, papers, accounts, tools, instruments and everything pertaining to his office, and be entitled to a receipt therefor, if required.

Retiring officers to deliver property, etc., to successor.

Sec. 10. Every officer or agent of the city shall, at all times, when requested, submit his books and official papers to the inspection of the Mayor, or any member of the Legislative Council, or to any person or committee appointed or authorized by the Legislative Council to examine the same.

Books and papers to be submitted to committee.

Sec. 11. Every officer of the city shall render a report before the first meeting of the Legislative Council in each month, of all his official transactions, amount paid and received, etc., which shall be filed with the Mayor for presentation to the Legislative Council at its first regular monthly meeting; and these reports shall be made oftener when required by the Legislative Council.

Monthly reports of officers.

Sec. 12. Every officer or agent of the city, who receives any money of the city, shall, on each Monday in every week, unless otherwise ordered, pay over to the Trustee all such moneys so received by him, and he shall receive from the Trustee duplicate receipts therefor, one of which receipts shall be filed with the Mayor.

Money collected to be paid over each Monday.

Sec. 13. It shall be the duty of every chief of a department of the city government to submit, on the first day of every month, an approximate estimate of all articles needed in the department under his supervision for the current month, which shall be filed with the Mayor.

Monthly estimates to be submitted.

MAYOR'S DUTIES, POWERS, ETC.

ARTICLE 4.

LEGISLATIVE COUNCIL.

Appointment
of officers.

Sec. 14. It shall be the duty of the Legislative Council, as soon after every general election as practicable, or whenever a vacancy occurs, to elect or appoint all city officers or agents, which they are authorized by ordinances or otherwise to appoint or elect.

Meetings.

There shall be stated or regular meetings of the Legislative Council on the first Thursday after the first Monday of each month, and all called sessions of the same shall be at the instance of the Mayor.

ARTICLE 5.

MAYOR.

Sec. 15. The Mayor shall, ex-officio, be a member of all the committees of the Legislative Council. He shall make all contracts authorized by the Legislative Council, unless otherwise ordered, and shall supervise their execution. He shall make known to the Legislative Council the wants and necessities of the city, from time to time, recommending such action and the adoption of such measures as the welfare of the city may demand. He shall supervise all the officers of the city, and shall see that all laws and ordinances are enforced. He shall suspend all delinquent officers or agents of the City government, reporting such action to the Legislative Council, with his reasons for so doing. He shall have power at any time to call a special meeting of the Legislative Council. In case of the suspension or removal of any officer or agent of the city, he is authorized to employ a substitute until the Legislative Council, if it deem it necessary, shall act in the premises.

Sec. 16. He shall have power to inspect such of the books, papers and records of the offices of the city as may in his opinion, be necessary to enable him to discharge the duties imposed

MAYOR'S DUTIES, POWERS, ETC.

upon him, and may call upon all officers of the city to furnish him, in writing, with any information connected with the respective offices.

Sec. 17. He shall examine the assessment of property made by the assessors, and ascertain whether proper measures are taken for the collection of taxes.¹ He shall cause all contracts with the city to be made out in writing, and executed as provided in the law establishing this city.

Sec. 18. He shall have full power, and it is hereby made his duty, to inspect all the works going on, from time to time, at the expense of the city, whether of building, paving, sinking or cleaning drains, opening or widening streets, or of any nature whatever.

[All pardoning power for offenses tried before him shall be vested in him.]²

Sec. 19. It shall be his duty, from time to time, to make reports to the Legislative Council touching the condition of the public institutions of the city, and to recommend measures for their improvement.

Sec. 20. It shall be his duty to countersign all warrants drawn upon the Trustee for accounts and claims, when such warrant specifies the date of issue, the name of the person to whom payable, and the fund to which it shall be charged by the Trustee.

Sec. 21. When any process or notice shall be served on him in any legal proceeding against the city, or in which the city is a party, he shall immediately deliver the same, or a sufficient notice thereof, to the attorney, in order that the same may be attended to.

¹ Under Act of 1903 Board of Equalization is created.

² Chapter 54, Acts 1905, repeals clause in brackets.

CITY ATTORNEY, DUTIES, ETC.

ARTICLE 6.

ATTORNEY.

Qualifica-
tions.

Sec. 22. The Attorney shall be a licensed lawyer, and shall have resided in the city for at least two years next preceding his appointment.

Official ad-
vice.

Sec. 23. He shall advise the officers of the city with reference to all official acts, on request; and he shall give written opinions, when required so to do by the Mayor or Legislative Council, or by either of them.

Prosecute
and defend
city suits.

Sec. 24. He shall prosecute or defend, as the case may require, all suits to which the city may be a party or in which the city may be interested, in any court of record in the city, or in Shelby county, or in the Supreme or Federal Courts of Tennessee.

Draft deeds,
contracts, etc.

Sec. 25. He shall draft deeds and contracts, and other instruments of writing wherein the city may be interested, when required to do so by the Legislative Council, and shall also draft all official bonds of officers, which, when approved, shall be filed with the official records.

Make reports
every four
months.

Sec. 26. He shall report every four months, or oftener if required, to the Legislative Council, the condition of the various suits and city business in his hands or control, and shall pay to the Trustee promptly all moneys collected by him for the city.

Docket of
city cases.

Sec. 27. He shall keep an indexed book, showing the condition of all suits to which the city is a party, or in which it is interested, said book to be open at all times to the inspection of the Mayor and members of the Legislative Council.

Draw ordi-
nances, give
opinions, at-
tend Council
meetings, etc.

Sec. 28. He shall draw up any ordinance that he may be called upon to draw by the Legislative Council; give his opinion in writing, when so required, upon any and all questions of law

CITY ENGINEER, DUTIES, ETC.

submitted to him, and personally attend any meeting of the Legislative Council, or committees appointed by the same, when so required.

Sec. 29. He shall, upon the expiration of his term of office, or removal therefrom, forthwith, on demand, deliver to his successor in office all papers, deeds or contracts in his hands, belonging to the city, or delivered to him by any officer of the city, and all papers in actions or proceedings prosecuted or defended by him, and then pending or undetermined, together with his books of record thereof and the proceedings therein.

Deliver all papers, etc., to successor.

ARTICLE 7.

ENGINEER.

Sec. 30. There shall be an Engineer, who, besides performing the duties assigned him in the act establishing this city, shall make out plans, specifications and estimates for all public work, when ordered by the Legislative Council. He shall write all contracts pertaining to his department, unless otherwise ordered, upon all accepted bids; and the contracts, when written out, shall refer to and make part of them, the plans and specifications relating thereto; and in said contracts the exact cost of the work shall be designated, if practicable, and in every instance a clause shall be inserted to the effect that the same is entered into subject to the right of the Engineer and Mayor or Legislative Council to suspend such work for any failure on the part of the contractor, and that such suspension shall not affect the right of the city to damages or penalties incident to such failure. No contract shall be binding until it is executed according to the act establishing the city.

Draw plans and specifications and make estimates.

Sec. 31. The Engineer shall perform all the surveying and engineering that may be ordered by the Legislative Council or by the Mayor. He shall also furnish, whenever called upon by any builder or real estate owner, free of charge, the corners of

Surveying and engineering.

Furnish street corners and grades.

CITY ENGINEER, DUTIES, ETC.

streets and alleys, and the true grade and line of said streets and alleys where grades and lines have been fixed and established by the Legislative Council.

Superintend
all public
works.

Sec. 32. The Engineer shall superintend all the public works requiring his attention, whether done by contractors or by the city laborers or workhouse convicts; and the power is hereby vested in the Engineer and the Mayor, or either of them, to suspend such work upon a failure of any contractor to perform his contract, and in other cases whenever the interests of the city plainly require it, which said suspension of work shall be communicated by the party making it to the Legislative Council at their next meeting thereafter, together with the reasons for such suspension, in writing.

Shall have
suitable of-
fice and keep
all maps,
plans, etc.

Sec. 33. The Engineer shall be furnished with a suitable office, in which he may be found at regular and appointed hours daily. In his said office he shall carefully keep all maps, plans, surveys, estimates, books, instruments and other things pertaining to his office; and shall keep in convenient form and in books, copies of all contracts made by the Legislative Council, as also copies of all important communications made to or by him, from or to other departments of the city, with a systematic account of his official transactions.

Shall be sup-
plied by
Council with
instruments.

Sec. 34. The Legislative Council shall, from time to time, purchase and deliver to the Engineer, to be by him held for the city, such instruments, books, stationery and material as the Legislative Council may determine to be necessary to a proper

Make month-
ly reports.

discharge of the duties of his office. He shall make monthly reports to the Legislative Council of the work going on under his supervision and control, and shall be present at the regular meetings of the Legislative Council.

CITY ENGINEER, DUTIES, ETC.

Sec. 35. He shall appoint, from time to time, with the advice and consent of the Legislative Council, such assistants and employes as may be deemed necessary to the proper execution of the duties of his office; and the compensation of said assistants, etc., shall be fixed by the Legislative Council, and he may retain or discharge such assistants at pleasure, unless otherwise ordered by the Legislative Council.¹

Employ such assistants as he deems necessary.

Sec. 36. When the grade of any street, alley or avenue has been fixed by the Legislative Council of the city, a profile of such street, alley or avenue, showing the grade established, shall be deposited in the Engineer's office, and he shall publish for thirty days, in a daily newspaper, the fact that such grade of such street, alley or avenue has been filed as herein required, and notify all parties interested in property on such street, alley or avenue to examine the profile, and to present any objection they may have thereto, in writing, within thirty days, to the Legislative Council. [And at or after the expiration of said period of thirty days, said Council shall finally act upon the question of adopting or rejecting such profile, or may then modify or change the same, as it may see fit.]²

Shall give public notice of established grades.

Sec. 37. When any work or repairs is ordered or required to be done by the Engineer on any bridge, street or sidewalk, or upon any public property or buildings, the Engineer shall hire the required laborers or mechanics at the lowest price for which he can get them; *provided, always*, that the amount paid shall be below the maximum fixed by the Legislative Council; *provided, further*, that whenever an emergency arises in which the Engineer is required, for the protection of public interest, to make immediate repairs where the outlay will not exceed one hundred dollars, he shall submit to the Mayor and Chairman of

Shall employ necessary labor for repairs on streets, bridges, etc.

¹ The power to employ and discharge is placed in the Legislative Council by Chapter 54, Acts 1905.

² In brackets amendment passed June 14, 1894.

BOILER INSPECTOR, DUTIES, ETC.

General supervision of streets.	the Board of Public Works a statement of the required work, and with their approval, in writing, he may proceed to have it done. He shall have the general care and supervision of the streets, alleys, lanes, bayous, promenades and other public grounds of the city, and of all bridges and gutters in the city, to keep the same in good repair.
Control and manage workhouse convicts and employ work hands.	Sec. 38. The Engineer shall control and manage the workhouse convicts and laboring force of the city, and, together with the Mayor and Chairman of the Board of Public Works, may employ such a working force as may be necessary to do the work of the city, and shall have the control and management of the city mules, carts, tools, etc., except such mules, carts, tools, etc., as belong to the Sanitary Department of the city. He shall report to the first meeting of the Legislative Council in each month his official transactions, work done, work needed, money expended in each ward of the city, and the general condition of his department.
City carts, mules, etc., under his charge.	
Monthly reports.	

ARTICLE 8.

BOILER INSPECTOR.

Steam boiler inspector.	Sec. 39. [The Mayor shall, with consent of Council, appoint some suitable person for the term of two years, who] ³ shall make an inspection annually, or more frequently, if called upon to do so by the owner, of all steam boilers and their apparatus used in the city for any purpose whatever. ⁴
Shall examine boilers, fire fronts, spark arresters, etc.	Sec. 40. [The Boiler Inspector shall examine nettings, fire-fronts and spark arresters on all engines used inside of the city, and he shall be compelled to make such examination at least once a month.] ⁵ The said Inspector shall keep a record of the con-

³ In brackets passed April 10, 1890. The Legislative Council now elects the Boiler Inspector, Acts of March 23, 1903.

⁴ Passed February 5, 1835.

⁵ In brackets passed January 20, 1887.

BOILER INSPECTOR, DUTIES, ETC.

dition in which he finds every boiler which he may test, and shall give a certificate to the owner that he has tested the same, giving in said certificate the number of pounds warm water pressure to which the test was carried, which shall not exceed 180 pounds; and also the number of pounds of steam he thinks it safe for the said boiler to be allowed to generate. And any engineer convicted of carrying more steam than is allowed in the said certificate shall be guilty of a misdemeanor, and, upon conviction thereof before the Police Court, shall be fined not less than \$1, nor more than \$50, for each offense.

Sec. 41. The Inspector shall report to the Council after each inspection the name of owner of each boiler inspected, the test pressure used, and the amount of steam allowed in certificate given.

Inspections
to be reported
to Council.

Sec. 42. The compensation of the Inspector of Boilers shall be \$1,000 per year, he to furnish his own apparatus, and shall be paid out of the salary account.⁶

Sec. 43. It is hereby declared to be a misdemeanor for any owner or engineer to refuse to permit the inspection provided for in this ordinance, or to refuse to pay the fees for the said inspection.

Penalty for
refusal to
permit in-
spection or
pay fees.

Sec. 44. It is hereby declared to be a misdemeanor to use a boiler not inspected as herein provided, or to use a boiler inspected and pronounced unsafe for use by said Inspector, or knowingly to permit the carrying of a greater amount of steam than specified in the certificate; *provided* that forty days after the final passage of this ordinance shall be allowed for the making of the first inspection; and, *provided further*, that no person shall be convicted of a violation of this ordinance in using an

Penalty for
using unin-
spected or un-
safe boiler.

⁶ Passed May 2, 1889. The salary of the Inspector was fixed at \$140 per month on petition of Inspector, July 6, 1893. See Book "C," 1892, p. 154.

BOARD OF ENGINEER EXAMINERS.

uninspected boiler, unless it shall appear that the failure to inspect was brought about by the act or default of such person.

Steam boilers
not to be sup-
plied directly
from water
mains.

Sec. 45. It is hereby declared a misdemeanor to supply any steam boiler within the city with water directly from a water main of the water company, but in all cases in which water is supplied to any steam boiler by the water company there shall be a tank or cistern located between the boiler and water main, and such supply shall be taken directly from the tank or cistern.

ARTICLE 9.

BOARD OF EXAMINERS OF STEAM ENGINEERS.

Board of Ex-
aminers of
Steam Engi-
neers.

Sec. 46. A Board of Examiners is hereby created, to examine and license engineers having charge of or operating boilers and steam engines in the City of Memphis. Said Board of Examiners shall consist of the Boiler Inspector and four practical steam engineers who are citizens of Memphis, who have not less than six years' practical experience in operating steam boilers and steam machinery. The members of the Board of Examiners shall be appointed by the Legislative Council, and shall hold office for the term of two years, or until their successors are appointed and qualified, unless sooner removed for cause. The members of the Board of Examiners must be residents of the City of Memphis, and they vacate their office when they move outside of the city limits. In case of a vacancy by removal from the city, or by death, resignation or removal for cause, such vacancy shall be filled as originally, for the unexpired term.

Election and
term of office.

Duties of the
Board.

Sec. 47. The duties of the Board of Examiners shall be to practically examine into the qualifications of the applicants for license to act as engineer of steam plants. One of the members shall act as secretary, and shall keep the minutes of the proceedings of each meeting of the Board, and shall handle and have

BOARD OF ENGINEER EXAMINERS.

charge of all moneys paid to the Board, and shall give bond in the sum of one thousand (\$1,000) dollars for the faithful performance of his duties. The Legislative Council shall have power to remove any member of the Board for drunkenness, incompetency or gross neglect of duty, provided that in no case shall the Secretary be released from his bond until his books have been examined, and his accounts found correct, and all moneys, books and papers in his possession have been turned over to the Board, or to his successor. The Legislative Council shall furnish suitable quarters for the Board of Examiners.

Bond of
Secretary.

Sec. 48. The Board of Examiners shall hold at least two sessions each month, on the first and third Mondays thereof, in the City of Memphis, for the purpose of receiving and acting on applications for license, and a majority of the Board shall constitute a quorum to do business. And the Board shall hold such additional sessions as may be necessary to promptly dispose of the applications for license pending before them.

When to hold
meetings.

The Secretary shall keep a register for the names of all applicants, designate those found qualified and those found not qualified. Said Board shall grant certificates of license for one year from date thereof to applicants who, upon examination, shall have the skill and experience and habits of sobriety requisite to perform the duties of an engineer. Licenses shall be renewed without examination, upon payment of the required fee. All certificates of license shall be signed by at least three members of the Board, and the entire Board only shall have the power to revoke the license of any engineer for insobriety or gross neglect of duties when in charge of a steam plant in use; but no license shall be revoked for cause without first giving the accused party an opportunity to be heard in his own defense. And every engineer who shall receive a license shall, when employed about any steam plant, place his certificate of license,

Secretary to
keep a reg-
ister.

Grant certifi-
cates of
license.

BOARD OF ENGINEER EXAMINERS.

Violation a
misdemeanor.

which must be framed under glass, in a conspicuous place about the boiler or engine room at which he is employed, where it can be seen at all times, and a failure to comply with this provision by an engineer shall be deemed a misdemeanor, and, upon conviction, he shall be fined not less than \$5.00 nor more than \$25.00, and for the second offense his license shall be revoked. No engineer shall be fined, or his license revoked, without first giving the accused party an opportunity to be heard in his own defense.

Qualifications
to entitle ap-
plicant
to license.

Sec. 49. This ordinance shall apply to all engineers having charge of, or operating, plants requiring a license within the city. Every applicant for license must not be less than twenty-one years of age, and must be a citizen of the United States, or declare his intention to become such, and the application must be made on a blank furnished by the Board for such purpose. Said applicant must have at least three years' experience at mechanical or steam engineering, and must state his experience on the blank. All applications must be signed by two citizens of the United States, one of whom must be an engineer or steam user, and both of whom must make affidavit before an officer qualified to administer an oath, that the statements set forth in such applications are true facts. When an applicant has appeared before the Board of Examiners for examination for three meetings, and has not passed the examination, he shall be considered to have failed, and shall not be eligible to stand another examination until a period of sixty days has passed from the time of his last appearance before the Board. All applicants for license who, upon examination, shall be found qualified as an engineer, shall be granted a license to operate boilers and engines in the City of Memphis.

Grade of
license.

Sec. 50. Licenses shall be granted as follows: First, second and third grade. First grade license shall entitle its rightful

BOARD OF ENGINEER EXAMINERS.

holder to operate or have charge of steam plants of unlimited capacity as to horsepower boilers. Second grade license shall entitle its rightful holder to assist a first grade license engineer in any steam plant where such services are required, under the instructions of first grade engineer in charge of steam plant, or may have charge of and operate steam plants limited to 75 horsepower of boilers. Third grade license shall entitle the rightful holder to assist first or second grade engineers, where such services are required, under instructions of engineer in charge of steam plant, or he may have charge of or operate steam plants limited to 25 horsepower of boilers. For the purpose of this ordinance boilers shall be computed on a basis of 15 square feet of heating surface per horsepower.

Sec. 51. The fee for each license or yearly renewal shall be Fees. two (\$2.00) dollars, to be used to defray the expenses of the Board. The receipt for said fee shall be indorsed upon the certificate of license, but no certificate shall be valid until such fee has been paid. Any surplus of funds accumulating after the expenses of the Board have been paid, shall, at the expiration of every twelve months, be turned into the general fund of the city. The Board shall make such rules and regulations for its government as its members may deem proper, and not inconsistent with this ordinance. Each member of the Board shall receive the sum of one (\$1.00) dollar, except the Secretary, who shall receive the sum of two (\$2.00) dollars for attendance at each meeting of the Board, and then only when such meeting is for the purpose of examining applicants for license. The above to be paid out of the expense funds of the Board, providing that when a member is absent from any meeting he shall forfeit his pay for such meeting.

Sec. 52. *Be it further enacted*, That the provisions of this ordinance shall apply to all steam plants or boilers operated

BOARD OF ENGINEER EXAMINERS.

Licensed en-
gineer re-
quired.

Violation.

Qualification
necessary to
operate boiler.

within the city limits, except locomotive boilers used on railroads. Every owner or user of any boiler or boilers or steam generating apparatus shall, when said boilers or apparatus are in use, employ at least one licensed engineer, of the grade required, to operate said boilers or apparatus, as provided in Section 5 of this ordinance; *provided, however*, if any owner or user of any boiler or boilers or steam generating apparatus is deprived of the services of the licensed engineer or engineers employed by him, by death, resignation or any other cause over which he has no control, such owner or user shall not have more than thirty days within which to secure the services of a licensed engineer, and during such period he may run his plant with an unlicensed engineer; and, *provided further*, that every owner or user of any boiler, boilers or steam generating apparatus shall have not more than thirty days after the organization of said Board of Examiners within which to secure the services of a licensed engineer, and during such period he may likewise run his plant with an unlicensed engineer. Any violation of this section shall be deemed a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Any person found in charge of or running without a license any steam plant, in violation of the terms of this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five (\$25.00) nor more than fifty dollars (\$50.00).

Sec. 53. No person shall receive license who is not able to determine the weight necessary to be placed on the lever of a safety valve (the diameter of valve, length of lever, distance from center of valve to fulcrum, weight of lever and weight of valve and stem being known), to withstand any given pressure of steam in boiler. And must be able to figure and determine the strain brought on the braces of a boiler with a given pressure of steam, the position and distance apart being known. And

CITY PAYMASTER.

must be able to figure and determine the safe working pressure of a boiler, such knowledge to be determined by an examination in writing. And no license shall be granted to any engineer who does not possess the above qualifications, except third grade. No license shall be granted to any engineer who cannot read and write and does not understand the plain rules of arithmetic.

Sec. 54. The examination questions asked an applicant for Examination.
license shall be such practical questions as are met with in actual engine and boiler room experience, and a correct answer of 80 per cent. of such questions shall qualify the applicant to receive his license.

Sec. 55. It shall be the duty of the Chief of Police to see Chief of Police to enforce.
that this ordinance is strictly enforced, and it shall be the duty of any citizen who may have knowledge of the violation of this act to report the same to the proper officer.¹

ARTICLE 10.

CITY PAYMASTER.

Sec. 56. The office of City Paymaster be, and the same hereby City Paymaster.
is, created, the incumbent of said office to be elected by the Legislative Council for a term of two years, and his salary to be the sum of two thousand (\$2,000) dollars per year, payable in equal monthly installments.

Sec. 57. All employes of the city shall be paid by checks Employees—how paid.
drawn by the City Register, payable to order of said employe and countersigned by the Paymaster.

Sec. 3. It shall be the duty of the Paymaster to audit all bills Duty of Paymaster.
of goods bought for the City of Memphis, by the various departments, to see that the prices charged therefor are no more

¹ Sections 46 to 55 passed October 5, 1905.

CITY PAYMASTER.

than the market price of the same, and to see that said goods are delivered to the department of the city entitled to use the same.

To audit time
books.

Sec. 58. It shall be the duty of the Paymaster to compute the time on the time books kept by the foremen of the various gangs employed by the city, check the same with the payrolls of the respective departments, as same are filed in the office of the City Register, and to see if said employes have really been at work. A check for the total amount of said payrolls is to be made payable to the City Register, and, when signed as required, by the Fire and Police Commissioners, and the City Tax Receiver, as now provided by law, the same shall be deposited in the city's depository bank, and the checks as provided for in the above section of this ordinance for the payment of the employes of the city are to be drawn against said deposit, as above provided.

To O. K.
bills.

Sec. 59. After all bills for supplies bought by the various departments of the city have been audited and found correct, it shall be the duty of said Paymaster to approve same with his O. K., and, after receiving the O. K. of the Auditing Committee appointed by the Council, checks shall then be drawn for the amount of each account, which checks will be signed by the Fire and Police Commissioners and City Tax Receiver. It will then be the duty of the City Register to pay said bills and take duplicate receipts, as has been the custom heretofore.

Bond.

Sec. 60. Before said Paymaster shall assume charge of said office, he shall be required to execute a good and solvent bond in the sum of ten thousand dollars, which bond shall be approved by the Mayor and City Attorney.²

² Sections 56 to 60 passed March 5, 1908.

REGISTER OF LICENSES—INSPECTOR OF WEIGHTS AND MEASURES.

ARTICLE 11.

REGISTER.

Sec. 61. The Register shall sign all licenses issued by him, upon receipt of the City Tax Receiver, for the tax collected by him. He shall keep a record of each license so signed, the amount paid for each license, and, when any license is transferred, note the same, together with the fees of transfer, in an appropriate book kept for that purpose; and shall report to the Mayor once a week the aggregate amount of all licenses so signed by him during the preceding week.

Shall issue licenses, keep record of transfer, etc.

Report to Mayor once a week.

Sec. 62. He shall countersign all receipts of the City Tax Receiver on account of taxes, and shall provide an appropriate book or books, in which he shall enter the amount collected for each specific purpose, and the aggregate amount of each tax receipt, and the name of the party in whose name the tax is paid. He shall, once a day,³ report to the Mayor the aggregate amount of all receipts so countersigned during the preceding day, and shall perform all such service as may be required of him by ordinance or resolution of the Legislative Council or Police Board.

Countersign receipts of city tax receiver and keep record of same.

Shall report to Mayor once a day.

All licenses issued by the Register shall expire on the 31st day of December of each year, unless otherwise provided on the face of the license.

Licenses expire Dec. 31.

ARTICLE 12.

INSPECTOR OF WEIGHTS AND MEASURES.

Sec. 63. There shall be a City Inspector, and it shall be his duty, by himself or deputy, to inspect, test, measure or weigh, and mark all articles of commerce or merchandise usually inspected, tested, weighed or measured, and particularly to weigh,

Shall inspect certain articles.

³ By ordinance passed March 12, 1880, "week" was stricken out and "day" inserted.

INSPECTOR OF WEIGHTS AND MEASURES.

measure and test and mark the articles hereinafter named.⁴ It shall likewise be the duty of the Inspector to have, keep and preserve all instruments, standard weights and measures, books, etc., belonging to his office, and to deliver all such as belong to the city to his successor in office, or to the Mayor or his order.

Shall not
deal in ar-
ticles subject
to inspection.

Sec. 64. He shall not deal or trade in any articles subject to inspection, weight or measurement by the ordinances of the city, neither for himself nor as agent; and shall never solicit nor interfere in any trade, sale or purchase between others; and any Inspector who shall be guilty of violating this section shall be fined twenty dollars, and such act shall be just cause of removal from office.

Oils, Liquors,
etc.

Sec. 65. When called on by any person or persons, he shall inspect and mark oils or liquors of any description in tierces, casks, barrels or kegs; any flour, sugar, molasses, lard, tallow or butter by the barrel, half-barrel, keg or firkin; any pork or beef by the tierce or barrel, or any other articles of produce hereinafter enumerated; and such articles shall be subject to voluntary inspection only.

Coal.

Sec. 66. All stone coal sold by retail in this city shall be sold by weight, by the barrel of one hundred and eighty pounds; and when coal shall be sold by the boat-load, or offered to be sold, or in such quantities as to make it greatly inconvenient to be weighed, the Inspector may gauge it, and it shall be sold accordingly.

Test weights,
measures, etc.

Sec. 67. It shall be his duty to try, test and correct the weights, measures, scales, steelyards and cloth measures of all merchants or others in the city who buy or sell any article of

⁴ As to what articles are inspected under the State Law, see Code, Section 8, 1831-1835a, inclusive.

INSPECTOR OF WEIGHTS AND MEASURES.

commerce by such scales, measures, weights, steelyards or cloth measures; and for trying, testing and correcting, as aforesaid, the Inspector shall keep correct steelyards, etc., in his office, of the same quantity, weight and standard as are fixed by the laws of the State of Tennessee.

Sec. 68. He shall make to the Legislative Council, on the first meeting of each month, a report of his official transactions for the previous month, showing the amount of fees received and an epitome of the kind and quantity of goods inspected. Report
monthly to
Council.

Sec. 69. For the performance of his various duties, the said Inspector shall charge and receive from the owner or seller the following fees, and no others, to-wit:

	Fees.
I. For gauging and inspecting barrels and half-barrels of whisky, brandy, wine or any other liquors, molasses, oils, or any other similar articles, under forty in number, each	\$0.07
If the number of any lot exceed forty, and under one hundred, then, each	.05
For inspecting less than five, one lot.....	.25
II. For gauging empty barrels or half-barrels, firkins or kegs, each	.05
III. For inspecting and weighing butter, lard, tallow or any similar article, in barrels or half-barrels, under ten in number, each	.10
All over that number, each.....	.05
If in firkins or kegs, under fifty in number, each.....	.05
If over that number, each.....	.03
IV. For weighing and marking cotton, per bale.....	.10
V. For weighing live cattle on the city scales, if under twenty head, each	.15

INSPECTOR OF WEIGHTS AND MEASURES.

If over that number, each.....	.12
For hogs and sheep, each.....	.05
VI. For weighing coal in carts, or any coal sold at retail..	.01
For gauging in bulk, by the boat-load, per boat.....	.25
VII. For weighing, inspecting and marking hay in bales,	
each ton or less quantity	.20
And for weighing fodder, oats or shucks, when un-	
baled, on city scales, per ton or less.....	.20
VIII. For weighing wheat, rye, corn, oats and bran, per	
sack	.01
IX. For gauging and inspecting a boat-load, or part of a	
load of corn, each.....	5.25
X. For gauging and inspecting barrels and half-barrels	
of pork and beef, each.....	.50
XI. For inspecting and weighing flour, by the barrel or	
half-barrel, under ten in number, each.....	.05½
Over that number	.03
XII. For weighing sugar by the hogshead, not exceeding	
twenty in number, each.....	.15
If over that number, each.....	.12
In barrels under twenty in number, each.....	.05
Over twenty, each.....	.03
XIII. For inspecting track scales of 30 tons and over.....	5.00
For inspecting wagon scales	1.50
For inspecting hopper scales	2.00
For inspecting platform scales up to 1,200 pounds...	.50
For inspecting platform scales, from 1,200 pounds up-	
ward	.75
For inspecting counter scales (beam and balance)...	.30
For inspecting spring balances	.25

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For inspecting steelyards (cotton beam)	.50
For inspecting cloth measures, for five or less.....	.15
For any number over five, each ¹	.05

- XIV. He shall test and mark the liquid measures of all dealers in the city, by which articles are sold, and shall charge for such testing and marking, per set... .30
- In like manner he shall test and mark dry measures, and shall receive therefor, per set 30

Provided, that no charge shall be made for testing any measure, article or vessel for which a fee has once been paid to any officer acting under and by authority of laws, and having on said measure, article or vessel a stamp or brand of an inspection officer. And no dealer shall measure and sell or buy any article except by such marked measure, or by scales, weights, steelyards or cloth measures, stamped by the said Inspector every three months, as per next section. And said Inspector is required, at the end of each week, to pay over all collections in his hands, less fees, to the Tax Receiver, and shall make monthly reports of the same to the Tax Receiver, and at the end of each fiscal year to report the aggregate amount of his receipts and the sources from which the same are derived.

Sec. 70. And it shall be his duty to test or inspect all scales, weights, steelyards, cloth measures, liquid or dry measures, kept at places of business, once every three months, whether the same be in use or not. And any proprietor, clerk or employe of any place of business, who shall make the Inspector any false statement in regard to the number of such scales, weights, steelyards, cloth, liquid or dry measures, kept in his establishment or place of business, or endeavor to secrete or hide away the same, to avoid the Inspector, shall be guilty of a misdemeanor, and, on

Inspect
scales,
weights, etc.

Penalty for
preventing
inspection.

¹ Allowed drayage on weights when, post Section 77.

INSPECTOR OF WEIGHTS AND MEASURES.

conviction before the Police Court, shall be fined not less than fifty dollars for each offense; *provided* that nothing herein contained shall be held to apply to scales, weights, steelyards, cloth measures, liquid or dry measures, kept for sale.

Tare on articles of provisions, etc.

Sec. 71. The tare to be allowed on all articles of provisions, produce and merchandise shall be the same as may be, from time to time, prescribed by the Chamber of Commerce.

Fees or inspection of articles not enumerated.

Sec. 72. For inspecting and gauging all other articles not enumerated in the foregoing sections, the Inspector shall receive such fees as are herein allowed for articles of a like description in bulk, nature, quality or class; and for weighing any article not herein enumerated, he shall receive one-half per cent. per one hundred pounds.

Inspected articles to be branded.

Sec. 73. Whenever the Inspector shall test, gauge, weigh or inspect any article, he shall mark or brand the same with his name, and the weight, quality or quantity of the article.

Deputy Inspector.

Sec. 74. He may, if he choose, appoint a deputy, to be confirmed by the Legislative Council, who shall be sworn to perform his duties faithfully as such deputy; and if any person, not the Inspector or his deputy, shall presume to discharge the duties of Inspector, or use or make a brand or mark purporting to be that of the Inspector, he shall be deemed guilty of a misdemeanor and fined, on conviction by the Police Court, not less than ten nor more than fifty dollars for each offense.

Penalty for violating inspection ordinance.

Sec. 75. Any person guilty of violating any part or section of this ordinance, or any person or firm that shall be guilty of selling, or offering to sell, any article of merchandise of short weight or measure, shall be deemed guilty of a misdemeanor, and, on conviction before the Police Court, shall be fined not less than ten nor more than fifty dollars for each offense. And it is hereby made the duty of the Inspector and police of the city

INSPECTOR OF WEIGHTS AND MEASURES.

to bring all persons violating this ordinance, or any provisions thereof, before the Police Court for trial.

Sec. 76. The Inspector shall have a schedule of his fees for the performance of his various duties made out and printed and exposed to view in his office, and in the office of the Mayor.

Schedule of fees posted in office of inspector and Mayor's office.

Sec. 77. No drayage shall be charged by the Inspector, except when the Inspector shall be called to inspect between quarters, and then he shall charge only actual drayage.¹

No drayage charged except between quarters.

Sec. 78. That, in addition to the duties now required of the Inspector of Weights and Measures, he shall be empowered to inspect measures and grade all lumber landed at the port of Memphis for sale, at the request of either the buyer, seller or carrier, the fees charged, as provided hereafter, to be paid by the party requesting the inspection or measurement.

Shall inspect lumber.

Sec. 79. He shall be empowered to appoint a Deputy Lumber Inspector, shall fix his compensation, and pay him from the revenues derived from said inspections and measurements.

Deputy Lumber Inspector.

Sec. 80. The Inspector shall be entitled to charge and receive for his services (one-fourth ($\frac{1}{4}$) of which shall be paid to the city) the following fees per 1,000 feet, board measure:

Fees for lumber inspection.

Cottonwood, cypress, ash and poplar logs.....	\$0.07
Oak and gum logs.....	.10
Walnut logs	.12½
Lumber, all sizes, when handled	.50
Lumber, all sizes, when not handled	.25

for the measuring, inspecting, grading, counting and handling of all lumber so counted, graded, inspected, measured and handled by him. He shall give a certificate of the quality and quantity to the owner, and render his account or fees in writing to the party liable for the same, as provided in Section 18.

¹ Passed January 28, 1888.

WHARFMASTER, DUTIES, ETC.

Sec. 81. He shall have power to inspect the scales, weights and measures of any party doing business in the city, and if any of said scales, weights or measures be found manifestly incorrect, and fraud or dishonesty is evident, the said Inspector shall have power, and he is hereby required, to bring the owner or other person using such incorrect weights or measures before the Mayor, and if said owner or other person using such incorrect scales, weights or measures be found guilty of any dishonesty or fraud, in relation thereto, he shall be fined not less than ten nor more than fifty dollars. And such incorrect scales, weights and measures shall be destroyed in the presence of the Mayor, in his discretion.

Penalty for
false weights
and measures.

Compensa-
tion.

Sec. 82. He is hereby required to pay to the Tax Receiver one-fourth of all collections received by him as Inspector, reserving for himself three-fourths of said collections.

ARTICLE 13.

WHARFMASTER—WHARFAGE.

Collect
wharfage
dues.

Sec. 83. The Wharfmaster shall collect faithfully all wharfage dues which he is now or may hereafter be authorized to collect, and perform such other duties as may, from time to time, be assigned him by the ordinances of the city.

River front
divided into
four parts.

Sec. 84. For the better regulation of the landing of steamboats, flatboats and other watercraft, and the shipment and discharge of cargoes, the wharf or landing shall be, and is hereby, divided into four sections, to be known and designated as follows:

1. The first section shall embrace all that portion of the wharf between the north boundary line of the city and the north line of Poplar street extended to the river.

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2. The second section shall embrace all that portion of the wharf between the north line of Poplar street extended to the river and the south line of Jefferson street extended.

3. The third section shall embrace all that portion of the wharf between the south line of Jefferson street extended to the river and the south line of Union street extended.

4. The fourth section shall embrace all that portion of the wharf between the south line of Union street extended and the south side of Linden street.

Sec. 85. The landing for flatboats, keels and barges shall be designated by the Wharfmaster, and shall be within the limits of the first and fourth sections of the landing. The landing for steamboats shall be designated by the Wharfmaster, and shall be within the limits of the second and third sections of the landing; *provided, however*, that the Wharfmaster may, when the exigencies of the case require it, designate a landing for steamboats within the limits of either the first or fourth section.

Landings for
boats of dif-
ferent classes.

Sec. 86. The Wharfmaster is hereby vested with full power and authority to compel all boats, vessels and watercraft to take the position which he may assign them at the wharf, landing or harbor, and to compel each and every boat, vessel or watercraft lying at the wharf to give way and make room for other boats or watercraft to come to the shore and take the place assigned to them, and to lie in such manner as, in his judgment and discretion, may be best calculated to promote the convenience of all boats, vessels and watercraft lying at or near to the shore or wharf; and in all such matters the Wharfmaster shall be the sole judge; and, upon failure, neglect or refusal of any such owner, master, agent or person in charge of any such boat, vessel or watercraft to obey the Wharfmaster, he, she or they shall forfeit and pay to the city—if controlling a steamboat—the sum of not less than five nor more than fifty

Wharfmas-
ter shall reg-
ulate landing
of vessels.

Penalty for
refusal to
comply with
order of
Wharfmaster.

WHARFMASTER, DUTIES, ETC.

dollars for each and every offense, and a like sum for each and every day that any such boat or vessel may be permitted thus to remain; if a flatboat, keelboat or bargeboat, etc., the owner, master, agent or person in charge thereof shall forfeit and pay to the city a fine of not less than two nor more than thirty dollars, and a like sum for each and every day that such boat or watercraft may thus remain; *provided, however*, that, in the absence of the Wharfmaster, or of instructions from him or his deputy or deputies, any boat, vessel or watercraft may come in and make fast at the wharf or landing, at or in any vacant berth or space set apart and designated at the landing place for that particular description of boats, vessels or watercraft, always subject, however, to the subsequent approval of the Wharfmaster.

Repairs at
wharf—under
what condi-
tions.

Sec. 87. The Wharfmaster, with the concurrence of the Police and Fire Commissioners, may grant boats or vessels permission to make repairs at the wharf or landing, when, in the judgment of the parties aforesaid, such permission will not interfere with the general convenience of business or trade at the wharf or landing; the Wharfmaster, at his discretion, to designate and prescribe the place and limits which the owner, agent or master of any boat or vessel so repairing shall occupy, from time to time, with his boat, material and workmen.

Steering oar
to be un-
shipped at
landing.

Sec. 88. It shall be the duty of the Wharfmaster to require all owners, masters, agents or persons in charge of any flatboat or other watercraft using a steering oar, which may be lying at the wharf or landing, to unship his or their steering oar, and place the same so as not to be in the way of, or in any manner to obstruct or interfere with, boats coming to or lying at the wharf or landing; and, upon failure, neglect or refusal to comply with this restriction, the owner, master, agent or person in charge of any such boat or watercraft so failing, neglecting

Penalty for
failing to
do so.

WHARFMASTER, DUTIES, ETC.

or refusing shall forfeit and pay to the city a fine of not less than two nor more than ten dollars for each offense, and a like sum for every day he, she or they may fail, neglect or refuse to comply; said fines recoverable, with costs, as in other cases of fines and forfeitures.

Sec. 89. The Wharfmaster, with the concurrence of the Police and Fire Commissioners, is hereby vested with full power and authority to direct and compel the owner, master or agent or other person in charge of each and every boat or vessel, of whatsoever character or kind, lying and being within the limits or port of the city, that may be found, considered and adjudged to be in a leaking or sinking condition, to have the same forthwith removed beyond the limits of the landing or harbor of the district, or to such point or place within the limits of the city as the Wharfmaster and said Board may deem best; and it shall be the duty of the Wharfmaster to give to the owner, master, agent or person in charge of said leaking or sinking boat or vessel immediate notice thereof, if to be found within or about the city, as well as to notify him, her or them of the determination of the authorities in relation thereto; and should he, she or they fail, neglect or refuse to move, or have the same removed, within six hours from and after having received such notice, he, she or they shall (if controlling a steamboat) forfeit and pay to the city the sum of not less than twenty-five nor more than fifty dollars; if a flatboat, keelboat, barge, etc., the sum of not less than ten nor more than twenty-five dollars for each and every offense, and a like sum for each and every six hours that he, she or they may permit such boat to remain.

Shall cause removal of leaking vessels.

Sec. 90. Should the owner, master, agent or person in charge of any leaking or sinking boat, vessel or watercraft, as referred to in the preceding section, after having been duly notified of the condition thereof by the Wharfmaster, or other officer, fail, neglect or refuse to remove the same as required,

Procedure in case of failure to remove leaking vessel.

WHARFMASTER, DUTIES, ETC.

it shall be the duty of the Wharfmaster to have such boat, vessel or watercraft removed, at the earliest possible period, at the expense of the owner, master, agent or person in charge of the same; and he shall retain the possession thereof until the entire cost and expense of such removal shall be fully paid and satisfied. And, in case such boat, vessel or watercraft should sink within the limits of the city landing or harbor before removal, the owner, master, agent or person in charge thereof shall be, and he, she or they are hereby, required to remove the same and every part or parcel thereof, beyond the limits of the city landing or harbor, at his, her or their own proper cost and expense. And, in case of failure, neglect or refusal on the part of such owner, master, agent or person in charge to make the removal, as required by this section, of any and all such wrecks within the time specified by the Wharfmaster, it shall be the duty of the Wharfmaster, under the direction of the Fire and Police Commissioners, at the cost of the owner, master, agent or person in charge, to have the same removed beyond the precincts of the city landing or harbor, in the cheapest and most practical manner, keeping an accurate account of the outlay, so as to have the same charged up to the proper party or parties on the books of the city; and, in case of his, her or their refusal to pay the same, on proper application, the amount so expended shall be recoverable from the owner, agent or charterer of such boat—the same, with all her machinery and fixtures, being liable for such charges, and a lien for such costs and charges being hereby fixed and retained thereon.

Vessel shall not occupy unnecessary space or prevent other vessels from landing.

Sec. 91. No steamboat or boats shall be permitted to occupy at the wharf or landing more than a reasonable or usual space for the purpose of receiving and discharging freight or cargo, when the same is needed by other boats for the same purpose; nor shall any steam or other boat, by means of stern lines, or

WHARFMASTER, DUTIES, ETC.

other obstructions, prevent other boats from "coming to" and landing at the wharf, or landing at their sterns, or beside them, in the usual manner. Any steamboat or boats, or their masters, owners or charterers, acting in violation of any of the provisions of this ordinance shall forfeit and pay to the city a fine of not less than ten nor more than fifty dollars for each and every offense, and a like sum for every hour he, she or they may continue to act in violation of this ordinance.

Sec. 92. The Wharfmaster shall have full power and authority to direct in what manner and places freight shall be arranged which is discharged and to be hauled away and conveyed thither for the purpose of being shipped; to arrange all matters of dispute arising from differences of opinion, regarding individual rights to the wharf by parties doing business thereon, in connection with the shipping and landing of freight; and to decide all such matters appertaining to the wharf, and to determine the same; and in case any captain or other person resists, opposes or refuses to obey the orders of the said Wharfmaster in thus discharging the duties of his office, such captain or other person so offending shall, for every such offense, be fined in a sum not less than five nor more than fifty dollars.

General supervision over wharf.

Sec. 93. All persons are forbidden to have cotton or other produce, or merchandise of any kind, hauled to the landing and deposited thereon until the boat or boats upon which such cotton, produce or merchandise is to be shipped, has announced her readiness to receive freight.

Cargo not to be deposited on wharf, etc.

Sec. 94. Cotton and other articles which may be landed at the wharf or landings of the city, from any description of boat whatever, shall be removed from the wharf or landing within twenty-four hours after the date of their landing; and, if not removed in the time specified, it shall be the duty of the Wharfmaster to have all such cotton removed and stored at the ex-

Freight shall be removed in 24 hours.

Procedure in case of failure to remove.

WHARFMASTER, DUTIES, ETC.

pense of the owner or owners of such goods or their agents. And he is hereby authorized to hold the same until all expenses are paid; and if the expenses of such removal and storage are not paid within ten days thereafter the Wharfmaster shall proceed to sell the same, or so much thereof as will be sufficient to pay the expenses of removing and storing, and all other necessary charges incurred; and the Wharfmaster shall give at least ten days' notice, in one or more daily papers, of the time and place of sale, and of the articles to be sold, and on what account; *provided, however*, that the Wharfmaster is hereby authorized, in cases of emergency or hardship, to use his discretion in permitting cotton or other merchandise to be deposited on the landing, and also in having cotton, merchandise, etc., removed from the landing, which may have been deposited there and remain, contrary to the intent and meaning of this ordinance; and, *provided further*, that if the amount of any sale thus made be insufficient to defray the expenses incurred in making such removals, the remainder shall be paid out of the city treasury and out of the wharfage fund, and if the sale shall amount to more than is sufficient to defray the expenses aforesaid, the Wharfmaster shall pay over the surplus to the Tax Receiver for the use and subject to the order of the consignee, owner or agent of the merchandise, goods or other articles sold.

Wharf shall
not be ob-
structed.

Sec. 95. No person, by himself or agent, shall, at any time, deposit, or cause to be deposited, on the wharf, landing, Water street, or any other of the contiguous public grounds or pass-ways leading to the river, any nuisance, incumbrance, obstacle or hindrance to the free and uninterrupted passage or trans- action of business at the said wharf or landing, Water street, etc., except such articles as are intended for shipment or im- mediate storage in the city. Nor shall any person scatter hay, straw or any other article or substance on the levee, or make fires thereon, without permission of the Wharfmaster, and

WHARFMASTER, DUTIES, ETC.

all skids and other things used for the purpose of storing freight shall be placed and piled in such position and place as the Wharfmaster may direct.

Sec. 96. It shall be the duty of the Wharfmaster to cause to be removed all timbers and other obstructions in the river, or along the shore or landing, which may, in any manner, hinder or endanger the free and safe ingress and egress of all boats or watercraft to or from the wharf or landing; and any person or persons bringing or in any manner retaining the same within the bounds of said landing, shall be guilty of a violation of this ordinance.

Wharfmaster shall remove all obstructions on wharf or in river.

Sec. 97. The Wharfmaster shall have full power and authority to regulate all drays, carts, wagons, hackney coaches or other vehicles at or about the wharf or landing, or about Water street, and to prevent obstruction, by such vehicles, of the passage to and from the wharf or landing; and, in case of neglect, failure or refusal of any drayman, cartman, wagoner, hackney coachman or other driver of a vehicle, to comply with the requirements of the Wharfmaster, the owner, driver or person in charge of any such dray, cart, wagon, hackney coach or other vehicle shall forfeit and pay to the city a fine of not less than one nor more than ten dollars, and a like sum for each and every offense.

Regulate wagons, carriages, drays, etc., on wharf.

Sec. 98. In case of failure, refusal or neglect of the owner, master, agent or person in charge of any steamboat, flatboat, keelboat, barge or other watercraft to pay for his, her or their landing privilege and daily wharfage dues to the city, as hereinbefore set forth, or any part or parcel thereof, after due and proper application by the Wharfmaster, or his regular authorized agent, in addition to the fine imposed for a violation of this ordinance, it shall be the duty of the Wharfmaster to bring suit for the same under the direction of the Attorney.

Suit to be brought for failure to pay wharfage.

WHARFMASTER, DUTIES, ETC.

And, if the owner, agent or person in charge of any wharfboat neglect, fail or refuse to pay the wharfage rates or dues imposed by law, upon the demand of the Wharfmaster or his agent, it shall be the duty of the Wharfmaster to at once report the same to the Mayor, who may, with the Wharfmaster, remove wharfboat from the wharf and from the city. And this, in addition to the fine imposed for a violation of this ordinance, and suit may also be brought for the said dues.

Boats fastened to other boats shall pay wharfage dues.

Sec. 99. Every steamboat, flatboat or other watercraft landing astern of any other boat or boats occupying a berth or landing at any part or point of the landing, whether such boat astern be fastened to another boat ashore, or be laid at anchor, and using and exercising all and any of the privileges used by boats at shore, shall pay the same rates of wharfage as provided for boats occupying a berth at shore, and shall be held subject to all the rules and regulations governing such boats.

Extent of wharfage laws.

Sec. 100. The wharfage laws of the city shall extend over the entire Mississippi front of the river; also on each side of Wolf River to the northern boundary line of the city.

Flatboat shall not be used for boarding house, etc.

Sec. 101. No flatboat shall be allowed to lay at the landing and carry on the business of a boarding house, or for the purpose of retailing vinous, spirituous or malt liquors, or shall keep a ten-pin alley or other like game or amusement on board, under penalty of from one to fifty dollars for each and every day they may be engaged in either or any of such occupations.

Passengers not to be received more than 6 hours before departure, nor 3 hours after arrival.

Sec. 102. It shall be unlawful for any steamboat running to and from the city to receive, keep and entertain passengers for a period of more than six hours before their departure from the wharf, or to keep passengers, as such, for more than three hours in daylight after their arrival in port, unless said steamboat first take out license for a hotel, according to law; and the cap-

WHARFMASTER, DUTIES, ETC.

tain, master or manager of any steamboat guilty of any violation of this section shall be fined, on conviction, not less than twenty-five nor more than fifty dollars for each offense.

Sec. 103. Coalboats, while actively engaged in unloading, shall pay one dollar per day. All charges and rates of wharfage shall fall due daily at eleven o'clock, and any boat of any description for any time it may remain at the wharf less than a day, shall be chargeable for a whole day, except as hereinbefore provided.

Coalboats—
wharfage—
when pay-
able.

Sec. 104. Whenever coal, wood, lumber or any other article is placed upon the public ground contiguous to and around the landing or wharf, or upon the wharf itself (which may be done by consent of the Wharfmaster and Fire and Police Commissioners, when it does not interfere with the legitimate business of the landing), for the purpose of sale, or shall remain there twenty-four hours, except as freight to be shipped from the city, said Wharfmaster shall allot a certain space, sufficient for each person so wishing to use the public grounds, and shall charge and receive from said persons the following rates as wharfage, to-wit: For every space of twenty feet of ground in width, of river shore, and running back one hundred feet, same rate as paid by flatboats, and a proportionately greater sum for a greater space occupied.

Charges for
coal, etc., oc-
cupying space
on wharf.

Sec. 105. Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and shall, on conviction before the Police Court, forfeit and pay a fine of not less than one nor more than fifty dollars for each and every offense, except in particular cases provided for in this article, or where different fines are established and prescribed.

Penalty for
violations of
this article.

Sec. 106. The jurisdiction of the Wharfmaster, for the purposes contained in this article, shall embrace all the public ground covered by the entire landing front and extending back

Local juris-
diction of
Wharfmaster.

WHARFMASTER, DUTIES, ETC.

to the western line of Front street, as at present named and designated; and it is hereby made his duty to keep the wharf and promenade free from all obstructions, buildings, lumber, garbage and everything else.

Bond to be
given by
wharfboats.

Sec. 107. All wharfboats now moored, or that may hereafter be moored in front of the¹ landing or river front, shall give a bond in the sum of five thousand dollars to the city, conditioned that if any such wharfboat shall sink, be burnt, or in any other manner become an obstruction to the ingress or egress of steamboats or other water craft, the owners or agents in charge of the same shall remove the wreck or obstruction at once, and at the owner's risk and expense.

City not lia-
ble for injury
to wharf-
boats.

Sec. 108. All wharfboats moored at this port, or that shall hereafter be moored at the same, shall be so moored at the risk of the owners of the same, and, in case of loss or injury to said boats, from any cause whatsoever, the city is not to be liable for said loss or injury in any event; *provided, however*, that no wharfboat shall be allowed to moor at this port unless and until the aforesaid bond is given; and if said bond is not given as soon as this ordinance becomes operative as to boats now moored, the Wharfmaster, under the direction of the Mayor, will proceed at once to have the same removed from the city at the expense of the owners of the same.²

Business
shall not be
conducted on
landing.

Sec. 109. No person shall hereafter be allowed to engage in any business upon the landing, paved or unpaved, or the river front of the city, without the written permission of this Council, and all now engaged in business of any kind on such levee or landing shall at once cease to do business until they first obtain such permission to continue the same; *provided*, that

¹ By ordinance passed January 29, 1880, the word "paved" was stricken out here and after "landing" the words "or river front" inserted.

² Powers of city over wharves. See Taxing District Act, Section 10.

POLICE DEPARTMENT, DUTIES, ETC.

this ordinance shall not apply to stevedores or others engaged in loading or unloading steamboats or other watercraft. And anyone violating this ordinance shall, upon conviction before the Police Court, pay a fine of not less than one nor more than fifty dollars for each and every offense, and every day's violation thereof shall be deemed a distinct and separate offense.³

ARTICLE 14.

POLICE DEPARTMENT.

Sec. 110. There is hereby established a Police Department in and for the city, which shall be composed of Fire and Police Commissioners, Chief of Police and such other officers and subordinates as are provided by the act establishing this city, to be known as the Police Department of the City of Memphis. Said department shall be under the immediate control of the Fire and Police Commissioners, who shall enact rules and regulations of discipline for the government of the same.

Constitution
and con-
trol of.

Sec. 111. The officers and subordinates are hereby graded as follows: One Chief of Police, one or more Captains, one or more Sergeants, one or two Station Keepers, one or two Turnkeys, two or more detectives, one Clerk for Chief of Police and Police Court, and such number of day and night patrolmen as the Board of Fire and Police Commissioners⁴ may, from time to time, direct, not exceeding the number prescribed by law. The officers and subordinates provided for in this section shall receive such compensation as the Board of Fire and Police Commissioners may, from time to time, allow, in accordance with the act establishing the city. They shall take the usual oath of office before entering upon their respective duties, and shall hold their office or appointment during the will of the Mayor.

Officers'
compensa-
tion and oath.

³ Section 109 passed January 26, 1880.

⁴ For powers of Commissioners to appoint officers, see Senate Bill No. 162, Acts of 1905.

POLICE DEPARTMENT, DUTIES, ETC.

Vacancies. In case a vacancy occurs in any appointment provided for in this section, by resignation, removal, death or otherwise, it shall be the duty of the Board to fill such vacancy without delay.

Duties of
Chief of
Police.

Sec. 112. The Chief of Police, under such rules and regulations as the Fire and Police Commissioners may establish, shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force, and see to the execution of every ordinance. He shall have general supervision over the subject of nuisances, and the abatement of same; and shall exercise and discharge all such powers and functions as pertain to the office of Chief of Police, and as the Fire and Police Commissioners may, from time to time, prescribe. He shall make a monthly report to the Board of Fire and Police Commissioners of the general condition of the Department, together with such other matters as pertain to his office, and perform such other duties as may be required of him by ordinance.

Duties of
police cap-
tains.

Sec. 113. The Captains of Police, under such rules and regulations as the Fire and Police Commissioners may establish, shall have control of their respective commands, and shall so distribute the members of the same as shall best preserve the peace, quiet and good order of the whole city. Complaints against officers or patrolmen shall be made through the Chief of Police to the Fire and Police Commissioners.

Duties of
patrolmen.

Sec. 114. The police, or any of them, shall arrest all persons found violating any city ordinance, or law of the State, within the city limits.¹ Such person shall be immediately committed

¹ An officer may, without warrant, arrest a person: 1. For a public offense committed, or a breach of the peace, threatened, in his presence. 2. When a felony has been committed, though not in his presence (see 6 H. 53). 3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it (see 3 Head, 127 and 146). 4. On charge made, upon reasonable cause, of the commission of felony by the person arrested. Code, § 5037. An officer cannot, without warrant, arrest a person for a misdemeanor not committed in his presence. 3 Cold. 205.

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

to the city prison. And such person may, however (if for a violation of a city ordinance), be discharged for the time being if he or she shall deposit in the hands of the Station-house Keeper on watch (taking his receipt therefor), a sum of money not less than five nor more than fifty dollars, as security for his or her appearance on the next morning before the Police Court. In case of failure to appear and answer, said amount shall be forfeited to the city. Said Station-house Keeper shall be governed in taking such forfeit, as to amount, by the grade of the offense charged.

Person arrested—how disposed of.

Sec. 115. No policeman shall, under any circumstances, receive or take any money, or other valuable property, or effects of any kind or description, from any person under arrest, or threatened with arrest, except pistols, bowie knives, razors or other deadly weapons, except in the presence of the Station-house Keepers or their assistants, to whom all money or other property belonging to any arrested person shall be delivered; for money or property so delivered to them, the Station-house Keeper or his assistants shall give to the person arrested a receipt. Such Station-house Keeper or assistant, and his securities as such, shall be responsible and liable for all money or other valuables so intrusted to him. Any policeman or other officer violating the provisions of this article shall be deemed guilty of a misdemeanor, and shall be dismissed from office.

Property of persons arrested.

ARTICLE 15.

FIRE DEPARTMENT.

Sec. 116. There shall be appointed by the Fire and Police Commission, a Chief of the Fire Department, who shall hold his position as such Chief subject to removal by said Fire and Police Commissioners. The Chief of the Fire Department, under the supervision of the Fire and Police Commissioners, except as herein provided, shall superintend the construction of all

Appointment and duties of.

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

buildings within the fire limits of the city, and see that the ordinances of the city in regard to the same are enforced.

Monthly
report.

Sec. 117. He shall make a monthly report to the Board of Fire and Police Commissioners of all matters of interest connected with the Fire Department. He shall report the number of fires occurring in the city, and the cause of each, when it can be ascertained; the amount of loss sustained by each and every individual; the amount covered by insurance, etc.

Assistant
Chief.

Sec. 118. There shall be, if the Fire and Police Commissioners deem it necessary, an Assistant Chief of the Fire Department, to be appointed in the same manner as the Chief, who shall assist the Chief in the discharge of the duties of his office.

Powers of
Chief,
Engines, etc.

Sec. 119. The Chief of the Fire Department shall have general supervision, direction and control of the same; communicate his orders to the Captains of the respective companies, who shall cause them to be promptly executed. He shall examine into the condition of the different companies, and require the engineers to keep their engines, and all apparatus connected therewith, in good order.

Engines, etc.,
supervision of.

Sec. 120. The steam engines, and the officers and privates connected therewith, shall be known as the Steam Section of the Fire Department, and shall consist of three or more steam fire engines, to be numbered one, two, three, and so on, and one or more hook and ladder companies, to be numbered in like manner, all of which shall be stationed at such places as the Fire and Police Commissioners shall direct.

Sec. 121. This section of the Fire Department shall be under the immediate supervision of the Chief of the Fire Department and the Fire and Police Commissioners, who shall have power

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

to cause all necessary repairs of the engines, carriages and apparatus to be made, so as to keep the same in complete order.

Sec. 122. There shall be an engineer to each steam engine, who shall hold his position subject to removal by the Mayor;¹ he shall be chief officer of the engine, and keep the same in good running order, and shall run the same on all occasions when directed by his Captain or the Chief of the Fire Department. He shall deliver over to his successor in office the engine of which he shall have special charge in good order, the usual wear and tear excepted.

Engineers.

Sec. 123. There shall be one Captain to each steam engine, and one to each hook and ladder company, who shall hold their offices, respectively, subject to removal by the Mayor.¹ Each Captain shall exercise control over the persons employed under him, and shall have the custody of the house in which his engine, ladder, truck, etc., are kept, and shall report to the Chief of the Fire Department all derelictions of duty, absence and misbehavior among the men employed under him; he shall devote his entire time to the discharge of the duties of his office, and shall have charge of and be responsible for all the property of the company, except as hereinafter provided.

Captains.

Sec. 124. Any number of men, not exceeding twelve, may be employed for each engine, to perform such duties as the Chief may direct; and seven men may be employed for the hook and ladder company, to be likewise under the direction of the Chief.

Firemen.

Sec. 125. The companies of the Fire Department shall be furnished with a copy of the fire ordinances, and such rules and regulations as may be made by the Board of Fire and Police Commissioners, which shall be framed and placed in a conspicuous place in the respective engine houses. These rules and regulations it shall be the duty of the officers and men strictly to observe and conform to.

Fire ordinances to be observed.

¹ Under Chapter 54, Acts 1905, power to remove is placed in the hands of the Board of Fire and Police Commissioners.

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

Fire districts. Sec. 126. The city shall be divided into four districts, which shall be as follows: District No. 1 shall consist of and embrace all that portion of the city north of Poplar street. District No. 2 shall consist of and embrace all that portion of the city between Poplar and Madison streets. District No. 3 shall embrace all that portion of the city between Madison and Beale streets; and District No. 4 all that portion of the city between Beale and the southern boundary line of the city. It shall be the duty of the watchman on duty, upon receiving an alarm of fire from a responsible source, to pull the alarm telegraph box and immediately ring an alarm of fire, by the bell, to correspond to the number of box from which the alarm comes. In case of the absence of the Chief, the Captain in whose district the fire may occur shall control. The Captains of the several companies shall act as Fire Wardens in their respective districts, under the direction of the Chief.

Duties of
watchman
on duty.

Power of
captains.

Sec. 127. The Captains shall have charge of their companies at fires, or on occasions of fire alarms, and see that the engines, pipemen, hosemen and drivers properly and efficiently perform their respective duties, as well at fires as at the engine houses; and in the event of the absence of the Captain, or of his necessary performance of the duties of Chief, then his duties as Captain, and the authority incident thereto, shall be exercised and discharged by the principal or first pipe director, and, in his absence, by the assistant or second pipe director.

Engineers.

Sec. 128. The engineers shall have charge of the engines, keep the same in perfect running order, and run the same upon the order of their respective Chiefs or Captains.

Racing or
reckless
driving.

Sec. 129. Racing to or from fires is not allowed under any circumstances, or reckless driving, under the penalty of dismissal; and if the apparatus of several companies proceed on the same street to or from a fire, they shall do so in single file.

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

Sec. 130. Any driver of a steam engine or hose carriage driving or running over hose, unless it cannot be avoided, shall be subject to dismissal from the Fire Department.

Dismissal for driving over hose.

Sec. 131. When the Chief of the Fire Department shall find the fire so far reduced that one or all of the companies may cease work, he shall dismiss them, or cause the same to be done.

Engines relieved at fires by Chief.

Sec. 132. No officer or member of the Department shall appear on duty without such badge as the Fire and Police Commissioners may provide.

Badges to be worn.

Sec. 133. Any officer or member absent from a fire shall be subject to dismissal, except for good and sufficient cause appearing to the Chief and Mayor.

Absence from fires.

Sec. 134. If the charge of intoxication be preferred and found against any officer or member of the Fire Department, he shall be discharged; and, further, it shall be the duty of every officer and member of the Department to report each member violating this rule to the Chief, who shall report the same to the Mayor.

Intoxication, penalty for.

Sec. 135. Members of fire companies, or other persons, are not permitted to frequent, meet, loiter or lounge about the engine houses without special permission from their respective officers. Watchmen on duty at the engine houses, who allow the same, shall be subject to dismissal.

Loitering around engine houses not permitted.

Sec. 136. The hook and ladder company will take position, when practicable, without the lines, and as near the fire as under all the circumstances may be found convenient.

Hook and ladder company.

Sec. 137. Alarms are not to be given at any engine house unless received from a responsible person or persons, or from

Alarms not to be given except from responsible source.

FIRE DEPARTMENT, OFFICERS, DUTIES, ETC.

another fire bell. Watchmen on duty at the engine house shall be held responsible for all false alarms given by them.¹

Hose in possession by mistake to be returned.

Sec. 138. Any company returning from a fire, finding they have hose not belonging to them, shall immediately return the same to the company to which it does belong.

Riding on engine not permitted to strangers.

Sec. 139. The Captain of each company shall, in no instance, allow any person except the Captain, firemen, pipemen, engineers and drivers, to ride on the apparatus, either in going to or from a fire.

Engineers and employes shall sleep at engine house.

Sec. 140. The engineers and all other employes are required to sleep at their respective engine houses; *provided, however*, that one member from each company may have leave of absence for one night, each in his turn, as may be arranged by the Captain. A violation of this rule shall be cause for dismissal.

Collision with other vehicles.

Sec. 141. Any driver of a steam engine, hose carriage or hook and ladder carriage, or any other apparatus belonging to the Fire Department, who carelessly or wilfully comes into collision with a vehicle of any kind, while going to or from a fire or fire alarm, shall be held responsible for all such damages that may occur, which shall be deducted from his wages; but all vehicles, horsemen and pedestrians shall give way to fire engines and apparatus going to a fire.

Watchman not to leave until relieved.

Sec. 142. No watchman shall leave his post until regularly relieved, and any neglect of duty on his part will be good and sufficient cause for removal.

Property not to be destroyed, except when.

Sec. 143. It shall not be lawful for any fire company, or member thereof, to destroy or damage any pavement or other public or private property, unless it shall be positively necessary to preserve or protect property that is in immediate danger of

¹ Infra, Sections 624 to 627, inclusive.

CITY TAX ASSESSOR, DUTIES, ETC.

being destroyed or damaged by fire, and then only in obedience to the orders of the Chief, or Captain of the company.

ARTICLE 16.

CITY TAX ASSESSOR.

Sec. 144. The City Tax Assessor, elected at the general election, shall qualify as such Tax Assessor on or before the 1st day of February succeeding his election, and on that day be inducted into the office and take up the performance of his duties. When to qualify.

Sec. 145. The duties of the City Tax Assessor, in assessing city property, shall be the same as those now imposed by law on the County Assessor. And the office of the said Tax Assessor shall be in the City Hall. Duties.

Sec. 146. The salary of the City Tax Assessor shall be three thousand dollars² per annum, payable monthly. The said Assessor is authorized and directed to employ an assistant at a salary of nine hundred dollars² per annum, payable monthly. Salary.

Sec. 147. The date of lien for city taxes shall be January 10th, of each year,¹ and the assessment of the City Tax Assessor shall be returnable on January 10, of each year. Date of lien for taxes.

Sec. 148. The bond of the City Tax Assessor shall be, and the same is hereby, fixed at five thousand dollars, to be approved by the Mayor and City Attorney.¹ Bond.

AN ORDINANCE fixing the general tax levy for the year 1909.

Sec. 148a, Subsection 1. *Be it ordained by the Legislative Council of the City of Memphis*, That a tax rate of \$1.58 is hereby levied on each \$100 for the current year 1909, on each and every species of taxable property within the limits of the City of Memphis, and subject to the taxing power of the city, including

¹ The date of lien (January 10). Passed August 9, 1906; the balance of Article 16 passed May 9, 1903.

² Under Acts of 1909, salary of Tax Assessor and Assistant is fixed at \$4,000 and \$1,500, respectively.

TAX LEVY, BUDGET.

realty, personalty, merchants' capital, capital invested, corporate stock and capital stock of corporations.

The tax levy shall be due and payable to the County Trustee of Shelby County, for the use of the City of Memphis, on and after the final passage of this ordinance, and shall be delinquent on the 1st day of August, 1909, and shall then be subject to the payment of interest, penalties and costs, as heretofore provided by law.

Subsec. 2. *Be it further ordained*, That said tax, when collected, shall be appropriated as follows: For general purposes, \$1.32; for public school purposes, \$0.25; for communicable disease hospital purposes, \$0.01.

Subsec. 3. *Be it further ordained*, That this ordinance take effect from and after its final passage, the public welfare requiring it.²

AN ORDINANCE to appropriate money out of the proceeds of the tax levy for the year 1909 for the purpose of defraying the expenses of the city government for the year 1909.

Sec. 148b. Subsec. 1. *Be it ordained by the Legislative Council of the City of Memphis*, That out of the proceeds of the tax levy and budget for the year 1909 there shall be, and is hereby appropriated, for the several departments of the city government, the several amounts following, to-wit:

For interest on the bonded debt, not more than.....	\$ 139,440.00
For interest on front foot assessment bonds, not more than	15,510.00
For the Police Department, not more than.....	160,000.00
For the Fire Department, not more than.....	180,000.00
For the Board of Health, garbage and street sprinkling, not more than ¹	145,000.00

² Passed May 10, 1909.

¹ \$2,000 appropriated out of Board of Health Department for Communicable Disease Hospital by ordinance passed in July, 1909.

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For the City Hospital, not more than.....\$ 57,100.00

Of the foregoing appropriation of \$57,100 for the City

Hospital \$2,100 is appropriated towards the erection and maintenance of a hospital for communicable diseases.

For the Lighting Department, not more than..... 80,000.00

For salary, printing and expense, not more than.... 40,000.00

For the Water Department, not more than..... 25,000.00

For judgments, costs and claims, not more than.... 12,000.00

For furniture, etc., at the new City Hall, not more than 35,000.00

For streets, bridges and sewers, not more than..... 220,520.00

Total\$1,109,570.00

Subsec. 2. *Be it further ordained*, That this ordinance take effect from and after its final passage, the public welfare requiring it.³

ARTICLE 17.

PRECAUTIONARY REGULATIONS.

Sec. 149. It shall be deemed a misdemeanor to do or cause to be done the following acts, and any person convicted thereof before the Mayor⁴ shall be fined not less than \$1 nor more than \$50 dollars, unless otherwise herein specifically provided: Acts in violation of fire ordinance.

Sec. 150. To build any bonfire, burn any shavings [paper, trash or garbage]⁵, or boil any tar, pitch, resin, turpentine or other inflammable substance in any street or alley of the city, unless the same be done at least twenty feet from any building, boat, lumber yard or other property that might be injured thereby, and by the written consent of the Chief of the Fire Department, or his assistant. Bonfire in street or alley.

³ Passed May 10, 1909.

⁴ Under Acts of 1905 City Court and City Judge provided for.

⁵ In brackets passed February 24, 1887.

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Fireworks. Sec. 151. To set off or discharge any rockets or other pyrotechnic display without the consent of the Mayor, who shall specify when and where the same may be exhibited.

Candle or lamp in stable. Sec. 152. For the owner or occupant of a livery stable, or other stable, to use or allow to be used therein, or in any place containing hay, straw or other combustible matter, any lighted candles or lamps, unless the same be securely kept within a tin horn, or glass lantern; or for any person to have, put or keep any hay or straw in a stack or pile, without having the same inclosed or secured, so as to protect it from flying sparks of fire.

Discharge cannon, gun, etc. Sec. 153. To fire or discharge any cannon, gun, pistol, fowlingpiece of firearms of any description, or explode or set off any rocket, squib, torpedo, cracker, or any combustible fireworks of any description, in the streets, alleys or public grounds of the city; *provided*, that nothing herein contained shall be construed to extend to any military parade, exercise or review, or fireworks exhibited by order of the Mayor, or to any exhibition authorized by a permit from the Mayor to exhibit the same for public amusement, or to any officer of the city acting in obedience to law or ordinance.

Kindling fire with oil. Sec. 154. It shall be a misdemeanor for anyone to light or kindle a fire in any house within the city with any kind of oil; and anyone convicted before the Mayor of this offense shall be fined not less than \$1 nor more than \$50 for each offense.⁶

Ashes in wooden box. Sec. 155. It shall be a misdemeanor punishable by a fine of not less than \$1 nor more than \$50 for any person to deposit ashes in a wooden receptacle within any building, or to leave paper, shavings or other combustible trash for an unnecessary

⁶ Section 154 passed September 6, 1883.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

length of time in any building within the limits of the City of Memphis.⁷

Sec. 156. To burn out any chimney, stovepipe or flue of any building, except when it is raining, or the roof is covered with snow, and then only in the daytime.

Burn out chimney at night or in dry weather.

Sec. 157. Whenever a fire may occur in this city, if the Mayor, two members of the Legislative Council, and Chief of the Fire Department shall deem it necessary to pull down, blow up or destroy any building to arrest the fire, the said house shall be removed or destroyed, as those parties shall direct.

Blowing up buildings to destroy fire.

Sec. 158. It shall not be lawful for any dray, cart, wagon, street rail car, or any other vehicle whatever, to pass over any of the fire hose belonging to the city or Fire Department, whether such hose have water in them or not.

Vehicle shall not drive over hose.

Sec. 159. It shall be unlawful for any person or persons to store, or cause or suffer or permit to be kept or stored, within the following limits of the city, to-wit: Between Auction and South street, and the Mississippi River and Bayou Gayoso, a quantity greater than five barrels in any one locality, of any crude petroleum or rock oil, or any camphene or burning fluid, or any of the products produced by the distillation of coal, petroleum or rock oil, asphaltum, shale or peat, known under the various names of coal oil, petro oil, naphtha, kerosene, benzine or benzole; the five barrels hereby allowed to be kept in any one locality shall be kept in tin cans, and shall not be drawn or sold by any artificial light. Any person or persons guilty of a violation of this section, in letter or spirit, shall, upon conviction thereof before the Police Court, be fined in any sum not less than \$1 nor exceeding \$50 for each and every offense. The

Unlawful to store certain combustible articles—where.

Penalty for violation.

⁷ Section 155 passed October 6, 1892.

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articles herein named shall not be stored outside of the limits herein specified, unless in fire-proof buildings, located by and with the approval of the Chief of the Fire Department, and with a sign conspicuously placed on the outside thereof designating the character of storage.¹

Lumber yard
not to be es-
tablished
—where.

Sec. 160.³ No person, firm or corporation shall hereafter establish any lumber yard, or place for the storage, piling or deposit of lumber within the following limits of the city, viz.: West of Bayou Gayoso, south of Auction and north of South street.²

Stocks of
lumber limit-
ed to 500,-
000 feet.

Sec. 161.³ The lumber yards, or places for the storage, piling or deposit of lumber already established within the limits aforesaid are forbidden hereafter to keep on hand more than 500,000 feet, board measure. But in cases where more than that quantity is already on hand the same may remain until the amount is reduced by sales or otherwise to the quantity above stated, no additions to or replenishments thereof to be made so long as the stock remains above the maximum above provided for, or so as to carry the amount above said maximum after the stock on hand shall have been once reduced thereto.¹

Lumber not
to be piled
nearer than
50 feet of
buildings.

Sec. 162.³ Where lumber is kept or piled by the owners of or in connection with planing mills or other manufacturing establishments, the same shall not be piled or kept nearer than 50 feet to the buildings in which the machinery is located.³

Penalty for
violation.

Sec. 163.³ Any violation of the three foregoing sections shall be a misdemeanor, and punishable on conviction by a fine of not less than \$1 nor more than \$50.

Electric
wires—how
run.

Sec. 164. All electric wires constructed, or to be constructed, within the City of Memphis shall be run in a straight line from

¹ An ordinance known as the "Building Ordinance" amends this section in part. See *Infra*, Sections 1033 and 1034.

² Passed April 1, 1886.

³ Sections 160 to 163 passed April 1, 1886.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

the street to the top of the building, and thence on insulators to the place where they enter or project from the building.⁴

Sec. 165. No dead wire or wires not in use shall be permitted; and all dead wire or wires not in use shall be at once removed by the party or company who owns or operates or controls or manages the respective electric lines or routes within the city.⁴

Dead wires
not permitted.

Sec. 166. An examination of the insulation of all high-tension electric current lines shall be made by every electric line or electric company in the city each and every week, and a written report thereof filed by the owner or user of each and every such electric line, each and every week, showing the true condition thereof; said report shall be filed as aforesaid with the Chief of the Fire Department or with the Legislative Council.⁴

Report of in-
sulation of all
high tension
electric lines
to be made
every week.

Sec. 167. When different electric lines cross each other, when a high-tension current is used, such current approximating 500 volts, guard-wires shall be placed by such company or companies in such position and in such manner as the Chief of the Fire Department and City Electrician may direct and approve, and when such current is used the entire line shall be guarded and protected in such manner as the City of Memphis may from time to time direct.⁴

Guard wires
to be placed
where high
tension cur-
rent is used.

Sec. 168. No electric work done under this ordinance, or any other, shall be deemed complete and satisfactory, unless the Chief of the Fire Department and the City Electrician shall first accept the same in writing, and such acceptance duly filed with the Legislative Council, and no company or person using an electric current approximating 500 volts shall be permitted to use a wire except of the best character, known and used for such high-tension current, and the same shall have been first

Electric work
and wires to
be approved
by Fire Chief
and City
Electrician.

⁴ Sections 164 to 169 passed April 9, 1891.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

approved in writing by the Chief of the Fire Department and the City Electrician, and filed with the Legislative Council.⁵

Penalty for violation of electric ordinance.

Sec. 169. Any violation of any of the provisions of the foregoing ordinance, or a failure to comply with any of them, by any party, company or individual, or the agent or manager or employe of any such electric company, party or individual, is hereby declared to be a misdemeanor, and shall subject the offending party or parties to a fine of not less \$1 nor more than \$50 for each and every offense, and that each and every day that any dead wire or unused wires are permitted to remain unremoved shall constitute a separate offense, punishable under the provisions of this ordinance.⁵

Electric wires not to be used except under rules and regulations.

Sec. 170. No wires or other electric conductors shall be hereafter erected or maintained for lighting or supplying of electric power for any purpose on or in any building or any portion thereof, or on the streets or alleys of this city, except under the rules and regulations which are on file in the Secretary's office.⁶

Chief of Fire Department shall inspect all wires, etc.

Sec. 171. The Chief of the Fire Department, in addition to the duties now required of him, shall have the power, and on proper application it shall be his duty to inspect, or have inspected, any wires placed in or on any buildings or on the streets and alleys of this city, designed to be used as conductors of electricity for lighting the same, or any portion thereof, or the supplying of electric power for any purpose. Notice shall be given to the Chief of the Fire Department before the placing of wires is begun, and the Chief of the Fire Department notified when such work is under way, and it must at all times be open for his inspection, and no concealed work shall, under any circumstances, be permanently covered until passed upon by

⁵ Sections 164 to 169 passed April 9, 1891.

⁶ Passed August 8, 1895.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

him.⁷ If, after making a careful examination of such wires, he shall decide that all requirements of said rules and regulations have been complied with, a certificate of inspection, bearing the date and description of the result, signed by the Chief of the Fire Department, shall be delivered to the person for whom the inspection was made.⁶

Sec. 172. It shall be the duty of the Chief of the Fire Department to keep a record of all inspections made by him and for whom made, and to make a yearly report of the same to December 31, of each year, to the Mayor and to the Legislative Council.⁶

Record of all inspections of wires to be kept.

Sec. 173. No alterations or additions shall be made in any system of wiring in or on any building, or any portion thereof, or on the streets or alleys of this city, nor shall any system of wiring in or on any building, or any portion thereof, or any street or alley of this city, which has been temporarily out of service for any time, be used again as electric conductors without first notifying the Chief of the Fire Department, and in conformity with the rules and regulations aforesaid.¹

No alterations to be made in wiring, etc., without notifying Fire Chief.

Sec. 174. It shall also be the duty of the Chief of the Fire Department to reinspect, or have reinspected, wires used as electric conductors in or on any building, or portion thereof, or in any of the streets or alleys, whenever in his judgment he shall deem such reinspection necessary, and the Chief of the Fire Department shall have the authority to forbid the use of electric conductors or apparatus which shall not conform to said rules and regulations.¹

Fire Chief shall re-inspect wires whenever necessary.

⁷ This duty is now imposed upon the City Electrician.

⁶ Passed August 8, 1895.

¹ Sections 170 to 175 inclusive passed August 8, 1895.

BOARD OF HEALTH, OFFICERS, REGULATIONS, ETC.

Penalty for violation of electric ordinance.

Sec. 175. Any person or corporation who shall violate any of the provisions of this ordinance shall be subject to a fine of not less than five (\$5) dollars, nor more than fifty (\$50) dollars, and to a like fine for each day during which they shall continue such violation.¹

ARTICLE 18.

BOARD OF HEALTH AND HEALTH ORDINANCES.

Board of Health—how constituted.

Sec. 176.² There is hereby established a Board of Health in and for the City of Memphis, to be composed of the Chief of Police, one physician, who shall have practiced his profession for not less than five years prior to his appointment; a Secretary, who shall be a physician in good standing, and one policeman. Said Board shall be appointed as provided in the fifteenth section of an act passed January 29, 1879, Chapter 11, p. 15.

Duty of President.

Sec. 177. It shall be the duty of the President of the Board to preside at all meetings of the Board of Health, and see that all health regulations are properly executed, and he shall make an annual report, embracing all transactions of the Board of Health for the preceding year to the Legislative Council at the regular meeting in January of each year, with such suggestions as may seem of interest to the health of the city.

Contagious diseases of animals.

Sec. 178. The Board of Health of the city shall have the general supervision of all communicable diseases among domestic animals within, or that may be in transit through the city, and they are hereby empowered to establish quarantine against any animal thus diseased, or that has been exposed to others thus diseased, whether within or without the city, and may make

¹ Sections 170 to 175 inclusive passed August 8, 1895.

² As to State Board of Health, see Acts of 1887, Chapter 98, pp. 120-2; also duties of Municipal Boards of Health as to power, *Ib.* p. 122. The jurisdiction of these Municipal Boards is also extended one mile from the corporation line—Acts of 1877, Chapter 28, pp. 41-2. See also Acts of 1879, Chapter 151, pp. 190-2, further as to the State Board of Health.

BOARD OF HEALTH, OFFICERS, REGULATIONS, ETC.

such rules and regulations against the spread and for the suppression of such disease or diseases as in their judgment may seem necessary and proper.³

Sec. 179. It shall be the duty of the health officer to carry out all the orders of the Board of Health and the laws of the state and ordinances of the city in relation to the sanitary regulations of the city; to proceed, from time to time, to make a thorough and systematic examination of the city, and cause all nuisances to be abated with all reasonable promptness. And for the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem necessary, in order to a thorough examination of cellars, vaults, sinks or drains; to enter upon all lots or grounds, and to cause all stagnant waters to be drained off, the pools, sinks, vaults, drains or low grounds to be cleansed, filled up, or otherwise improved or amended; to cause all privies to be cleansed and kept in good condition, and to cause all dead animals, or other noxious or unwholesome substances, to be buried or removed beyond the limits of the city.

Duties of health officer.

Health officer shall require nuisances to be abated.

Sec. 180. In order to the carrying out of the provisions of the foregoing section, it shall be the duty of the health officer to serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance, requiring him to abate the same in such manner as he shall prescribe, within reasonable time; provided, that it shall not be necessary in any case for the health officer to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable so to do; and such notice may

³ Section 178 passed April 26, 1894.

BOARD OF HEALTH, OFFICERS, REGULATIONS, ETC.

be given or served by any officer who may be directed or deputed to give or make the same; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, he shall be subject to a fine of not less than five dollars nor more than fifty dollars for every such violation; and it shall be the duty of said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated; provided, that whenever the owner, occupant or agent of any premises in or upon which any nuisance may be found is unknown or cannot be found, the said health officer shall proceed to abate the same without notice; and in either case it shall be the duty of the attorney immediately to begin an action against the owner of the property to recover the cost of abating such nuisance.

Examine and cause removal of all persons with infectious diseases.

Sec. 181. It shall be the further duty of the health officer to visit and examine all sick persons who shall be reported to him as laboring, or supposed to be laboring, under any yellow or ship fever, smallpox, cholera, or any infectious or pestilential disease, and, under the advice of the President of the Board of Health, cause all such infected persons to be removed to the cholera, smallpox or other hospitals, or to such other safe and proper place as he may think proper, or shall be directed by the said President, not exceeding four miles from said city, and cause them to be provided with suitable nurses and medical attendance, at their own expense, if they are able to pay for the same, but if not, then at the expense of the county, as provided for in Sections 1729 and 1730 of the Code of Tennessee.¹

¹ These sections are as follows:

§ 1729. If it happens at any time that the smallpox, or other contagious disease, exists in any county in the State, or the County Court entertains a well-grounded belief that such disease does exist in the county, the Court shall adopt such measures as it may think best to put a stop to the same.

§ 1730. The necessary expense of such measures shall constitute a county charge, and the Court may order payment of the same out of the county treasury.

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Sec. 182. It shall be the further duty of the health officer, when directed by the President of the Board of Health, to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with smallpox, upon which shall be written or printed the words, "smallpox here;" and if any person or persons shall deface, alter, mutilate, destroy or tear down any such notice without permission of the Board of Health, or of the health officer, such person or persons shall be liable, for each offense, to pay a fine of not less than twenty-five nor more than fifty dollars; the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall be held responsible for the removal of the same, and if the same shall be removed without the permission of the Board of Health, or of the health officer, such occupant shall be subject to the like fine of not less than twenty-five nor more than fifty dollars, unless he shall notify the Board of Health, or the health officer, within twenty-four hours after the removal of such notice.

Shall post
notice of
smallpox.

Sec. 183. One member to be selected by the President of the Board of Health, who shall be a physician, shall act as Secretary of said Board, and shall keep all its records, books and papers and attend to the preparation and collection of vital statistics. He shall also make monthly reports to the Legislative Council of the proceedings of the Board of Health, and of all other matters interesting or necessary to be known in reference to the health of the city.

Secretary—
how selected
—powers and
duties.

Sec. 184. And it shall also be the duty of the Secretary of the Board of Health to visit and attend the sick prisoners in the hands of the city, and give all such prisoners the benefit of his professional services.²

Shall attend
sick prison-
ers.

² Section 184 passed July 10, 1880.

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Office for Bd.
of Health and
Dispensary to
be provided.

Sec. 185. The Board of Public Works shall provide an office for the Board of Health, to be centrally located, and the city shall provide medicines and establish and maintain a dispensary at the said office, under the charge of the Secretary, whose duty it shall be to keep his office open, and to dispense the medicines to indigent persons under rules and regulations to be prescribed by the Board of Health, during at least four hours of each day. [The services of all persons now connected with said dispensary, except that of said Secretary, and of a maid, and the services of an assistant for three months to assist in vaccination work, will cease.]³

Chief of Po-
lice shall as-
sist in enforc-
ing health
ordinances.

Sec. 186. For the purpose of carrying the provisions of this ordinance into effect, the health officer shall have power to call upon the Chief of Police for a detail of a man or men at such time as he may think proper, and upon such application, the Chief of Police shall furnish such man or men; and as often as may be requisite, to make a thorough and systematic examination of the city, and to ascertain and report to the proper authority, for prosecution, all violations of this ordinance; and for this purpose they shall be permitted, at all times, to visit and enter into or upon any building, lot or grounds, within the jurisdiction of the city, and to make examination thereof.

Signification
of terms used
in health
ordinance.
"Board."
"Person,"
"owner," etc.

Sec. 187. That the terms "Board," "this Board," and "said Board," shall be held to mean the "Board of Health of the City of Memphis;" that the words "person," "owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "board" and "officer," shall respectively be held to apply to and include, both jointly and severally, each and all owners, part owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards and corporations, owning or controlling, in whole or in part, and either temporarily or

3 In brackets resolution adopted December 12, 1907.

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permanently, any property within the limits or jurisdiction of the City of Memphis; that every word or phrase anywhere herein defined shall be held to include the same sense wherever used; that the words "city," "City of Memphis," or "said city," wherever used herein, shall be held to mean the Taxing District provided by Acts of 1879, Chapter 11, passed January 29, 1879; that the word "regulation" shall be held to include all "special regulations," and that all words and phrases herein defined shall also include their usual and natural meanings, as well as those herein specially given.

Sec. 188. That the word "street" when used in this ordinance, shall be held to include avenues, sidewalks, gutters and public alleys; and the words "public place" shall be held to include parks, docks and wharves, and water, and open spaces thereto adjacent, and also public yards, grounds and areas, and all open spaces between buildings and streets, and in view of such street; the word "ashes" shall be held to include cinders, coal and everything that usually remains after fires; the word "rubbish" shall be held to include all the loose and decayed material and dirt-like substances that attend the use or decay, or which accumulate from buildings, storing or cleaning; the word "garbage" shall be held to include every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, decay and dealing in or storing of meats, fish, fowl, birds or vegetables; and the word "dirt" shall be held to mean natural soil, earth and stone.

Sec. 189. That a "tenement house" shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house, home, or residence of more than three families living independently of one another, and doing their cooking upon the premises; or by more than two families upon a floor, so living

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- and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them. A "lodging-house" shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or part of which is let for any person to sleep in for any term less than a week. A "cellar" shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining. The phrase "boarding-house" shall be held to include any building, and any story and portion thereof which is at any time, or usually used, leased or occupied, or intended so to be, by any number of persons exceeding three, as boarders thereat. The word "manufactory" shall be held to include every building and every story and portion thereof, in which any sort of labor or work is done which calls for the continual or usual presence of several persons during several hours of the day or night engaged about said work or labor; and the word "saloon" shall be held to include every portion of any building in which the business of selling meals, liquors, drink or refreshment of any kind, shall be conducted, and includes concert saloons.
- Sec. 190. That the word "theater" shall be held to include the building, rooms, and places where any play, concert, opera, circus, trick of jugglery, show, gymnastic or other exhibition, masquerade, public dance, drill, lecture, or other public or frequent gathering or amusement are, is or may be held, given, performed or take place, and the approach or approaches to and appurtenances thereof.
- Sec. 191. That the word "physician" shall include any person who practices about the cure of the sick or injured, or who has charge of or professionally prescribes for any person sick, in-

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jured or diseased, and any person who pursues the business of or acts as midwife; that the phrase "contagious disease" shall be held to include all persons sick, affected or attacked by or of a disease of an infectious, contagious or pestilential nature, more especially, however, referring to cholera, yellow fever, smallpox, diphtheria, typhus, typhoid and scarlet fevers, and also including any new disease of an infectious, contagious or pestilential nature, and also any other disease publicly declared by this Board dangerous to the public health; and every physician in said city shall at all times cause his or her name, office and residence, and also his or her kind and class of practice, to be properly registered at the office of the Board of Health.

Sec. 192. That the word "meat" whenever herein used, includes every part of any land animal and eggs; and the word "fish" includes every part of any animal that lives in water, or the flesh of which is not meat; and the word "vegetable" includes every article of human consumption as food which (not being meat, or fish, or milk), is held or offered, or intended for sale or consumption as food for human beings, at any place in said city.

Sec. 193. That the word "cattle" shall be held to include all animals, except birds, fowl and fish, of which any part of the body is used as food; the word "butcher" shall be held to include whoever is engaged in the business of keeping, driving or slaughtering any cattle, or in selling any meat; the words "private market" shall include every store, cellar, stand and place (not being part of a public market) at which the business is the buying, selling or keeping for sale of meat, fish or vegetables for human food.

Sec. 194. That every contractor in this ordinance referred to, and every person who has contracted or undertakes, or is bound to do, is engaged in doing, any one of these things in respect to which this ordinance contains provisions or regulations, shall

"Contagious disease."

"Meat."

"Vegetable."

"Cattle."

"Private market."

All persons must comply with directions of this ordinance.

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comply with this ordinance to the extent that any contract, obligation or duty requires or permits, and no direction of any contractors or persons shall excuse him for non-compliance with any part of this ordinance.

Sec. 195. That every person shall observe and obey each and every special regulation, and every order of the Board of Health that is or may be made for carrying into effect any of the provisions or powers hereinbefore or hereinafter contained.

Officers of
Bd. of Health
only shall
issue health
certificate.

Sec. 196. That no person, officer or board within said city, except the Board of Health and its proper officers, shall sign, grant or deliver any certificate or bill of health.

Poisons not
to be sold ex-
cept for law-
ful purpose.

Sec. 197. That no poisonous medicine or substance shall be held for sale, or sold, except for lawful purposes and with proper motives, and by persons competent to give proper direc-

Opium smok-
ing forbidden.

tions and precautions as to the use thereof; nor shall any opium-smoking be permitted or done by any one at his or her business-house, place of business, boarding house, dwelling house, or other house or place; nor shall any bottle, box, parcel or receptacle thereof be delivered to any person, unless the same is marked "poison," nor to any person who the party delivering the same has reason to think intends it for any illegal or improper use or purpose; nor shall any one keep for sale, give away, or have or loan for use, with or without hire or award, any opium or other deleterious drug, to be smoked, inhaled, or otherwise used, nor any pipe, instrument or receptacle by which such thing may be done; and if such instrument, receptacle or pipe is at any time found by the police, they shall take the same to the police headquarters, that the same may be destroyed under orders of the Chief of Police.

Poisons,
opium, etc.,
to be prop-
erly labeled.

Law as to
poisonous
substances to
be observed.

Sec. 198. That no person shall make, offer or have for sale, or keep at any place of sale, any "poisonous, unwholesome, de-

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leterious or adulterated drugs, medicines or food," or in respect thereto omit any act or thing required or do any act forbidden by any law or health regulation of said city.

Sec. 199. That no person shall hereafter erect or cause to be erected, or converted to a new purpose by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or of any other usual, proper or necessary provision or precaution; nor shall the builder, lessee, tenant or occupant of any such building or structure cause or allow any matter or thing to be or to be done in or about any such building or structure dangerous or prejudicial to life or health. And if, in the opinion of the Board of Health, any building or structure is in an unsanitary condition, and if, upon inspection, it is condemned for this reason as a nuisance, and in its opinion it is necessary on this account that the same be torn down, or otherwise destroyed, the owner or his agent shall be at once notified, by direction of said Board, to have such building or structure reconstructed in accordance with the laws of the city, or removed at once, and the premises put in a sanitary and otherwise safe condition, and if within forty-eight hours from such notice the thing notified to be done is not commenced, and prosecuted with due diligence till finished, then it shall be the duty of the Engineer, under the direction of said Board, to have the same done, and certify the costs thereof to the attorney, whose duty it shall be to collect the same off of the owner; and if no owner can be found, the work shall be done under the supervision of the Board of Health and engineer, and the costs thereof made out of the property by the attorney, either by sale of or renting out the same, and if, upon inspection of any cistern or well within the city, it is found in an unhealthy condition, the said Board shall take such steps as to render such cistern or well healthy; and if necessary to this end, it shall have such cistern or well closed up, in the

Buildings must be erected with proper light, ventilation, sewerage, etc.

Owner of unsanitary building notified by Bd. of Health to put same in sanitary order.

Procedure in case owner or agent fails to put premises in sanitary condition.

Procedure if no owner can be found.

Inspection of wells and cisterns.

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Destruction
of houses or
walls.

manner provided in this section for removing unhealthy structures; and all the structures, wells and cisterns in the city shall be inspected by direction of said Board at least once every three months, or oftener, if necessary, and its officers and the sanitary police shall be allowed ingress and egress to all premises for this purpose; provided, that no house shall be taken down or destroyed without the concurrence of the Legislative Council; [and provided, further, that the Board of Fire and Police Commissioners, when informed by the City Engineer¹ and the Chief of the Fire Department¹ or either of them, that any building, wall or structure of any character whatsoever is in danger of immediately falling, or that its condition is such as to immediately endanger persons or property in the neighborhood thereof, may require the owners and occupants thereof to take down or remove the same, or to take such other steps as may in their judgment be necessary to protect persons and property from the threatened and imminent injury, or the said Board may, if the circumstances and imminent danger require it, have the same removed, or have such steps taken by the City Engineer as may be necessary to protect persons and property from such threatened injury.]

Notice to be
posted on
dangerous
buildings.

Sec. 200. Hereafter, when any building or erection within the city shall become dangerous, or a nuisance, and shall on this account be condemned by the Board of Health or Chief of the Fire Department, it shall be the duty of the said Board to place notices on some conspicuous place thereon of the dangerous character of the building or erection, and it shall be a misdemeanor, punishable by a fine of not less than one nor more than fifty dollars, upon conviction before the Police Court, for any one to

¹ In brackets amendment passed February 24, 1896. (Amended by Building Ordinance passed November 25, 1902.)

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tear down or deface such notice, unless by permission of the President of the Board of Health or Chief of the Fire Department.²

Sec. 201. That no owner or lessee of any building, or any part thereof, shall lease or let, or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied as a place in which, or for any one, to dwell or lodge, except when said buildings, or such parts thereof, are sufficiently lighted, ventilated, provided and accommodated, and are in all respects in that condition of cleanliness and wholesomeness for which this ordinance provides. Nor shall any such person rent, hire, let or allow, having power to prevent, to be used as or for a place of sleeping or residence, any portion or apartment of any building, which apartment or portion has not at least two feet of its height as a space above the level of every part of the sidewalk and curbstone of any adjacent street; nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell or exhalation prejudicial to health. But this section shall not prevent the leasing, renting or occupancy of cellars or rooms less elevated than aforesaid, and as a part of any building rented or let, when they are not let or intended to be occupied or used by any person as a sleeping apartment, or as a principal or sole dwelling apartment.

Unsanitary buildings shall not be rented.

Rooms shall not be rented for sleeping purposes which are unsanitary.

Sec. 202. That no person, having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to life or health by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substance, or otherwise.³

No person shall cause others to occupy unsanitary sleeping apartments.

² Section 200 passed March 21, 1892.

³ See Building Ordinance, Article 51, *Supra*.

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Tenement
and lodging
house keep-
ers shall not
overcrowd.

Sec. 203. That no owner, lessee or keeper of any tenement-house, lodging-house, boarding-house, or manufactory, shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

Theaters not
to be over-
crowded or
dangerous in
construction
or unsanitary.

Sec. 204. That no person, being the lessee, manager, conductor or owner of any theater, shall cause, or permit or allow the same or any part or appurtenance thereof, to be so far overcrowded, or inadequate, faulty or insufficient in respect of strength, ingress or egress, cleanliness, ventilation, or in any other particular, as that thereby, or by reason thereof, any avoidable peril shall come, or happen to, or be incurred or suffered by any person being properly at or in any such theater.

Fire escapes
—in what
cases re-
quired.

Sec. 205. The proprietor, lessee, occupant, or person in charge of each and every hotel, theater, public hall or public building in the city, or any building where manufactories, dress-making, millinery, or any other kind of work whatsoever, in the third story, or any story above the third story of said building, is done, is hereby required to provide safe and sufficient fire escapes from each and every story of the same; to be constructed under the supervision and to the entire satisfaction of the City Engineer and the Chief of the Fire Department,¹ and each day's failure to provide the same, or any part thereof, or to keep the same, or any part thereof, in good repair, shall be deemed a distinct and separate offense.²

Privies for
lodging and
tenement
houses and
factories,
etc., to be
provided.

Sec. 206. That every person who shall be the owner, lessee or keeper, or manager of any tenement-house, boarding-house, lodging-house, or manufactory, shall provide, or cause to be pro-

1. Now under control of Building Commissioner. See Article 51, "Building Ordinance," Sections 802 et al.

2 Section 205 passed April 8, 1880. See Acts of 1879, Chapter 5, page 6, as to duty of municipal corporations to provide safeguards against fire, etc., in theaters, hotels, etc.

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vided, for the accommodation thereof, and for the use of the tenants, lodgers, boarders and workers thereat, adequate privies or waterclosets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive, or be dangerous or detrimental to life and health. And no offensive smell or gases, from or through any outlet or sewer, or through any such privy or water-closet, shall be allowed by any person aforesaid to pass into such house or any part thereof, or into any house or building.

Sec. 207. That every owner, lessee, tenant and manager of any boarding-house or manufactory, shall cause every part thereof, and its appurtenances, to be put, and shall thereafter cause the same to be kept, in a clean and wholesome condition, and shall speedily cause any department thereof in which any person may sleep, dwell or work, to be adequately lighted and ventilated and if the same be a manufactory shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not, by reason of the want thereof, or for anything about the condition of any such manufactory, or its appurtenances, to cause unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

Boarding
houses and
manufactories
to be kept in
sanitary and
well venti-
lated con-
dition.

Sec. 208. That no keeper or other person having control or authority in any jail, prison or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the life or health of any such person, by reason of too little or too much heat, or of a want of food, drink, or ventilation, or from the want or neglect of any other reasonable care, protection or precaution.

Jails and
prisons to be
sanitary.

Sec. 209. That every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the streets along which the water will run, before

Refuse from
gutters and
streets not to
pass into
sewer.

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using any water to wash the same, and no substance that could be before scraped away, shall be washed or allowed to be carried or be put into the sewer, or into any receptable therewith connected.

Drain, soil pipe and sewer connection to be kept free.

Sec. 210. That it shall be the duty of every person using, making or having any drain, soil-pipe, passage or connection between any sewer and any ground, building, erection or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings and erections, and of the parties interested in such place of business, or the business thereat, and in like manner the duty of all boards, departments, officers, and persons (to the extent and authority of each) to cause and require that such drain, soil-pipe, passage and connection shall at all times be adequate for the purpose, and shall convey and allow freely and entirely to pass whatever enters or should enter the same.

Sufficient water to be used to flush sewer.

Sec. 211. That it shall be the duty of all boards, departments, officers and persons having power or authority so to do or require (and to the extent thereof), to cause to be used sufficient water, and other adequate means to be taken, so that whatever substances may enter any sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulation shall take place, and no exhalations thence proceed, dangerous or prejudicial to life or health.

Sewers and drains to be properly constructed.

Sec. 212. That the proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drains of said city to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drains, or the want thereof.

PURE FOOD REGULATIONS.

Sec. 213. That it shall be unlawful for any person, persons, firms or corporation to manufacture, for sale, produce, offer, expose, have in their possession, charge or control for sale, any article of food within the city limits, or for one mile beyond its limits, which is adulterated, misbranded, below standard, or unwholesome within the meaning of this ordinance.

Unlawful to sell food, adulterated or misbranded, etc.

Sec. 214. That it shall be the duty of the City Board of Health to enforce all of the city ordinances governing food, to adopt rules governing minimum standards for all classes of goods, defining specific adulterations, and declaring proper methods of collecting and examining food, and such other rules and regulations as in their judgment may be necessary for the proper enforcement of these ordinances, and the violation of said rules shall be punished on conviction as set forth in Section 237 of this digest, provided that nothing in this section shall be so construed as permitting the adulteration of a standard which is specifically stated in the city ordinances. Any person offering or exposing or delivering for sale any food stuff, shall furnish all inspectors of the Board of Health with a sample sufficient for analysis whenever so requested, and whoever in any way interferes with any inspector, or other officer appointed hereunder in the performance of his duty, shall upon conviction be fined not to exceed fifty dollars (\$50.00.)

Duty of Bd. of Health to enforce ordinances.

Sec. 215. That no dealer shall be prosecuted under the provisions of this ordinance when he can produce a written guarantee from manufacturer, wholesale dealer or jobber, as provided by the United States pure food and drug act of June 30th, 1906, and in these cases the party furnishing the guarantee shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this ordinance, provided that in case such manufacturer is not amenable, then all goods from such manufacturer shall, upon their

Dealers not amenable —when.

PURE FOOD REGULATIONS.

entrance into the city, be confiscated, and such disposition made of them as the court may direct.

Definition of
the word
"Food."

Sec. 216. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or other condiments used by man or other animals, whether single, mixed or compound.

"Misbranded."
"

Sec. 217. The term "misbranded," as used herein, shall apply to articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients contained therein, which shall be false or misleading in any particular, or, if it be an imitation of another article, or purport to be a foreign article when not so. Provided that an article of food which does not contain any poisonous or deleterious ingredients shall not be deemed misbranded in the following cases:

Mixtures or
compounds.

First. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, and not an imitation of as offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Articles la-
beled.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale in letters not less than one-quarter inch in size, provided that the term "blend," as used herein, shall be construed to mean a mixture of like substances not excluding harmless flavoring ingredients, when used for flavoring only, and in

PURE FOOD REGULATIONS.

every case such substance shall be sold under the name of its chief constituents, together with all others which may occur.

Sec. 218. An article shall be termed adulterated—

Articles
adulterated.

First. If any substance has been mixed or packed with it so as to lower, reduce or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, powdered, coated, stained or colored, whereby damage or inferiority is concealed, or with the intent to deceive, or with substances which the rules of the Board of Health prohibit as harmful.

Fifth. If it contain any antiseptic or preservative (except in the case of tomato catsup, which may contain not more than 1-10 of 1 per cent of benzoate of soda).

Sixth. If it is below the standard prescribed by the ordinances of the city of Memphis, or the rules of the Board of Health, provided that the standards set by the Board of Health shall not conflict with those prescribed in the ordinances.

Sec. 219. An article shall be deemed unwholesome if it consists in whole or in part of a diseased, filthy or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or any animal in an advanced state of pregnancy, or any animal that has recently given birth to young, or any animal which has died otherwise than by slaughter, or if it is any substance which is manufactured, kept or handled in unsanitary surroundings, or by any person who has been exposed to any contagious or infectious disease.

Articles un-
wholesome.

PURE FOOD REGULATIONS.

Unlawful to
sell meats
kept unsan-
itary.

Sec. 220. That it shall be unlawful for any person, persons, firm or corporation to sell, offer for sale, or have in his or their possession, charge or control for sale the carcass, or parts of carcasses, of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions, and unsanitary conditions shall be deemed to exist whenever and wherever any one or more of the following conditions appear, or are found, to-wit:

Unsanitary
conditions
defined.

If the slaughter house is dilapidated and in a state of decay; if the floors and side walls are spattered with decaying blood or other animal matter; if efficient fly-screens are not provided; if the drainage of the slaughter house and slaughter house yard is not efficient; if maggots or filthy ponds or hog wallows exist in the slaughter house yard or under the slaughter house; if the water supply used in connection with the cleaning and preparing is not pure and unpolluted; if hogs are kept in the slaughter house yard, or fed therein, or animal offal, or if the odors of putrefaction plainly exist therein, or if kept in unclean, bad smelling refrigerators, or if kept in bad smelling cold storage rooms, or if exposed to dust and dirt, whether in transportation or otherwise. And it shall be the duty of the inspectors to seize all such carcasses prepared, kept or handled under unsanitary conditions as herein defined, drench the same with kerosene oil and issue warrants of arrests for the party or parties in whose possession it was found.

Eggs.

Sec. 221. That no person, persons, firm or corporation shall sell, offer for sale, have in his possession, charge or control for sale eggs which have been subjected to incubation, or which are rotten, decayed or in a decaying condition, or sell as fresh eggs when not so, and all eggs which are kept in cold storage must be labeled with the date when they were placed in cold storage

PURE FOOD REGULATIONS.

in letters not less than one-half inch in size, and must be sold from the original containers.

Sec. 222. No food or foodstuff shall be exposed to the dust and dirt of the street unless perfectly protected by a suitable covering as authorized by the Board of Health.

Food to be protected from dust, etc.

Sec. 223. That no person, persons, firm, or corporation shall engage in the manufacture or sale of any foodstuffs without a permit from the Board of Health. The same to be granted only upon a satisfactory inspection at the time application is made, and to be revoked upon violation of any of the provisions of this ordinance.

Permit to manufacture foodstuffs.

Sec. 224. That no person, persons, firm, or corporation shall sell, offer for sale, have in his or their possession, charge or control for sale, any milk, or milk products, which is obtained from any cow or cows found to be affected with tuberculosis, inspection for tuberculosis to be conducted in the usual manner whenever deemed necessary by the Board of Health.

Milk.

Sec. 224. That no person, persons, firms or corporations shall slaughter, sell, offer for sale or have in their possession, charge or control, any animal or part thereof intended for food, unless it passes the inspection of the inspectors, is approved and bears the "Inspected, Board of Health" stamp, or the stamps or tag indicative of inspection by the Bureau of Animal Industry, United States Department of Agriculture, provided that nothing in this section shall be construed as prohibiting producers from killing healthy animals and selling the same within the city, but no such animal or any part thereof shall be sold until inspected and passed as herein provided, the same to apply to milch cows for sale or use in the city.

Meat to be inspected, etc.

Sec. 225. That all dressed animals, game or poultry offered or intended for sale must be prepared in a cleanly manner, and if

Dressed animals, poultry, game.

PURE FOOD REGULATIONS.

undrawn, must be tagged with a linen tag bearing the date of slaughter, which tag must not be removed except by the consumer, and any such article which has been slaughtered six months, whether placed in cold storage or not, shall be deemed unwholesome and destroyed.

Sausages and
compound
meats.

Sec. 226. That all sausages and compound meats, when compounded with flour or other substances than pure seasoning materials, shall have the names of their ingredients on the outside of the packages in which it is sold to the consumer, as well as all intermediate containers, in letters not less than one-quarter inch in size, as provided in Section 217 of this ordinance.

Milk adul-
terated.

Sec. 227. That no person, persons, firm or corporation shall sell, offer for sale, have in their possession, charge or control for sale, bring or send to the city of Memphis any milk or milk product which is unwholesome or adulterated within the meaning of this ordinance.

Milk un-
wholesome.

Sec. 228. Milk shall be termed unwholesome—

(a) When drawn from animals within fifteen days before or five days after parturition.

(b) When drawn from animals kept in crowded or unsanitary conditions.

(c) When drawn from animals fed on distillery waste or other unhealthy food, or watered with polluted water.

(d) When drawn from animals kept in unclean and unsanitary surroundings.

(e) When obtained from animals whose attendants are affected with or exposed to any contagious disease.

(f) When placed in unsterilized bottles, cans or containers.

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Sec. 229. Milk shall be termed adulterated—

Adulterated.

- (a) When it contains less than 12 per cent of milk solids.
- (b) When it contains less than 3.5 per cent. butter fat.
- (c) When it contains more than 88 per cent. of water or other fluid.
- (d) When water, preservative or any other substance (except pure cream) has been added.
- (e) When any part of the cream has been removed.
- (f) When the refractive index of the serum taken at 20 degrees C., according to the official method with the Zeiss immersion refractometer, is below 40.

Sec. 230. Cream shall be termed adulterated, when it contains Cream.
less than 20 per cent. of pure butter fat or when preservatives or any other substances have been added. Provided that a dealer may be permitted to sell cream at any other per cent. than the standard when the same is plainly marked with its true value.

Sec. 231. Buttermilk shall be termed adulterated when it Buttermilk.
contains less than 8 per cent. of solids, when preservatives or any other substances have been added.

Sec. 232. Butter shall be termed adulterated when it contains Butter.
less than 82.5 per cent. butter fat, or over 16 per cent. moisture, or when it contains any preservative except common salt (NaCl.), or when any other substance except a harmless color has been added, or when its Reichert-Meissl number is less than 24.

Sec. 233. That no person, persons, firm or corporation, shall Ice cream.
manufacture, sell, offer for sale, have in his or their possession, charge or control for sale, any ice cream which contains less than 8 per cent. of butter fat by weight or less than 18 per cent. of milk solids or over 7-10 of 1 per cent. of gelatine, or to which

PURE FOOD REGULATIONS.

any other substance or substances have been added, except pure sugar (sucrose) and natural flavors.

Frozen ices. Sec. 234. That no person, persons, firm or corporation, shall manufacture, sell, offer for sale, have in his or their possession for sale, any sherbet, frappe or other frozen ice, which is not sold true to name and made of absolutely pure ingredients and flavored with natural flavors, provided that not more than .5 of 1 per cent. of citric acid may be used.

Samples of food. Sec. 235. That it shall be the duty of the inspectors to obtain samples of all substances offered for food whenever requested to do so by a citizen, or ordered to do so by the Board of Health, said samples to be delivered to the City Chemist for analysis.

Ordinance—
how enforced. Sec. 236. That the provisions of this ordinance are to be carried out by the two meat inspectors, the two milk inspectors and the Food Inspector of the Board of Health, under the supervision of the City Chemist, and he under the President of the Board of Health.

Violation. Sec. 237. That any one violating the provisions of this ordinance, shall, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and for each subsequent offense, shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).¹

Place where
meat, fish,
etc., sold to
be kept clean. Sec. 238. That every person, being the owner, lessee or occupant of any room, stall or place where any meat, fish or vegetables, designed or held for human food, shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall and place, and its appurtenances, in a cleanly and wholesome condition, and every person having charge, or is in-

¹ Sections 213 to 237 passed March 24, 1908.

PURE FOOD REGULATIONS.

terested or engaged, whether as principal or agent, in the care or in respect to the custody or sale of any meat, fish, birds, fowl or vegetables, designed for human food, shall put and preserve the same in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to be poisoned, infected, or rendered unsafe or unwholesome for human food.

Sec. 239. That no butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead, or some proper metallic substance, so as to be water-tight, nor unless the same be provided with a pipe of lead, zinc or copper, leading therefrom to the nearest gutter or proper waste-pipe.

Refrigerators
—how constructed.

Sec. 240. That it shall be the duty of every person knowing of any fish, meat, fowl, birds or vegetables being bought, sold or offered for sale as food for human beings, or being in any market, public or private, in said city, and not being sound, healthy or wholesome food, to forthwith report such facts, and the particulars relating thereto, to the Board of Health, or to one of its officers or inspectors.

Notice to be
given to Bd.
of Health of
sale of un-
sound food.

Sec. 241. It is hereby declared to be a misdemeanor, punishable by a fine of not less than \$1 nor more than \$50, for any person or persons, without permission of either the President or the Secretary of the Board of Health, to moor or beach or locate in any manner, either in the stream or on the banks of the stream, any boat or watercraft between the Waterworks on Wolf River and Iowa avenue on the Mississippi River, for the purpose of habitation or for fishing, or for a fish dock, or for keeping fish boxes, or for selling fish therefrom, or for any purpose whatever.¹

Fish docks
not to be
moored
without per-
mission.

¹ Ordinance of July 28, 1885, as amended April 26, 1894.

MISDEMEANORS, SANITARY REGULATIONS.

Misdemeanor
to offer fish
for sale at
certain
points.

Sec. 242. *Be it further ordained*, That it shall be a misdemeanor, punishable as provided in the preceding section, for any person to offer for sale or to sell any fish caught on the Tennessee shore between the points as laid down in Section 241.

Drink not to
be given in
dangerous
cases.

Sec. 243. That no person shall sell or give to any person or permit such other person to get (having the right and ability to prevent the same) any drink, when such first-named person may have reason to think or believe that such drink may cause danger or detriment to life.

Adulterated
milk, butter,
cheese, etc.

Sec. 244. That no person shall have at any place where milk, butter or cheese is kept for sale, nor at any place offer or have for sale, nor shall any person bring to said city any unwholesome, watered or adulterated milk, nor any butter or cheese made from such milk, nor any unwholesome butter or cheese.¹

Public reser-
voirs, water
pipes, etc., to
be kept pure.

Sec. 245. That no person shall throw, or allow to run or pass, into any public reservoir, water-pipe or aqueduct, or into or upon any border or margin thereof, or excavation or stream therewith connected, any animal, vegetable or mineral substance whatever, nor shall any person allow the same to be done (having power or right to prevent the same), nor shall any person do or permit to be done (having right or power to prevent the same), any act or thing that will impair or imperil the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of said city, nor shall any person bathe nor (except in the discharge of a public duty) put any part of his person in such water, nor shall any unauthorized person open any erection or unscrew any hydrant holding such water.

Drinking hy-
drant not to
be injured
nor water
polluted.

Sec. 246. That no person shall destroy, nor in any wise injure or impair, any drinking hydrant or part thereof in the said

¹ This section amended by ordinance of March 24, 1908.
See "Pure Food Ordinance."

MISDEMEANORS, SANITARY REGULATIONS.

city; nor shall any person interfere with the use or enjoyment of the water therein or therefrom, or interrupt the flow thereof; nor shall any person put any dirty, poisonous, medicinal or any noxious substance into or near said water or hydrant, whereby such water is made or may be regarded as dangerous or unwholesome as a drink.

Sec. 247. That no cattle, sheep, horse, goat, goose, mule or hog, or any dangerous or offensive animal, shall be allowed by any owner, or by any person having charge of the same, to go at large in any street or public place in the City of Memphis.¹

Dangerous or offensive animals not allowed to go at large.

Sec. 248. That no person shall allow any swine or goat to run at large in said city, and no person shall, within the built-up portions of said city, or within one thousand feet of any residence or place of business, or street thereof, keep any swine or goat, without a permit to do so from the Board of Health.

Hogs and goats—regulations for.

Sec. 249. That no cattle shall be kept in any place of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness for food.

Cattle shall have sufficient ventilation, etc.

Sec. 250. That no cattle, swine or sheep, geese, goats, horses or mules shall be yarded within or adjacent to the built-up portions of the city without the permit of this Board.

Cattle, swine, sheep, etc., not to be kept—where.

Sec. 251. *Be it ordained by the Legislative Council of the City of Memphis,* That no public wagon yard or place for the accommodation of wagons and teams coming to and from the city, whether such wagon yard or place be furnished free or for hire, shall be established, opened or maintained at any place within the limits

Public wagon yard—regulations.

¹ See Section 764.

MISDEMEANORS, SANITARY REGULATIONS.

of the city, unless a permit therefor shall first be obtained from the Board of Health Garbage Department.²

Penalty for violation.

Sec. 252. *Be it further considered*, That any person violating this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$2 nor more than \$50 for each offense, and each day's maintenance of such wagon yard shall constitute a separate offense.²

Keeping and slaughtering of cattle, etc.

Sec. 253. That the keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowls, shall be in a manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food, nor shall the slaughtering of cattle be conducted at any place in the city without a special permit from the Board of Health.

Slaughter-houses to be kept in sanitary condition.

Sec. 254. That every butcher, and every person owning, leasing, or occupying any place, room or building where any cattle have been or are killed or dressed, and every person, being the owner, lessee or occupant of any room or stable where any cattle may be kept, or market, public or private, and, having power and authority so to do, shall cause such place, room, building, stable, private market, and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or offensive matter to be therefrom removed, at least once in every twenty-four hours after the use thereof for any purpose herein referred to; and shall also, at all times, keep all woodwork, save floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed.

Not to be slaughtered, dressed or hung in alley or street.

Sec. 255. That no cattle shall be slaughtered, dressed or hung within said city, wholly or partly within any street, avenue or

² Sections 251 and 252 passed October 10, 1901.

MISDEMEANORS, SANITARY REGULATIONS.

sidewalk, or public alley or place, nor shall any blood or dirty water, or other substance from such cattle, meat, or place of killing or the appurtenances thereof, be allowed to run, fall or be in any such street, avenue, sidewalk, alley or place.

Sec. 256. That neither the business of slaughtering cattle nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place within the city except pursuant to a permit from the Board of Health.

Permit for slaughtering.

Sec. 257. That no person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious, nauseous or offensive substance.

No slaughtering at market house.

Sec. 258. That no person shall become, or continue, or engage in the business of a butcher, at or in any public or private market or stand in the city, without a permit from the Board of Health.

Permit required for butcher.

Sec. 259. That every butcher and milk dealer, and their agents, shall allow the parties authorized by the Board of Health to freely and fully inspect their cattle and meats, fish and vegetables, held, offered or intended for sale, and will be expected to answer all reasonable and proper questions asked by such persons relative to the condition thereof, and of the places where such articles may be.

Butchers and milk dealers shall answer questions and permit inspection.

Sec. 260. That no offal or butcher's refuse shall be conveyed through any street of the city between the hours of 9 o'clock a. m. and 10 o'clock p. m., and that no offal or refuse shall be conveyed at any time unless the same be in tight boxes, barrels or vessels from which no odor shall escape.

Offal—when and how to be conveyed through streets.

MISDEMEANORS, SANITARY REGULATIONS.

Fish, meat,
etc., not to
be sold on
sidewalk.

Sec. 261. That no person engaged in the selling or keeping for sale of any fish, meats, birds, fowl or vegetables, shall occupy or encroach upon any portion of any street or sidewalk, or public place in the city.

Water from
yards shall
not overflow
sidewalks.

Sec. 262. That no person, being owner, lessee or tenant of any house or building, shall allow any water or other liquid to run from or out of his building or ground upon or across any sidewalk or curbstone, and if such substance is allowed to pass upon any street, it must reach the same by a passage to be kept at all times adequate and in repair by such person, under or through such flagstone or curbstone, and no such water or other fluid, or ice therefrom, shall be allowed to gather or remain upon the upper surface of such curb, flagstone or passage, nor shall such person allow any accumulation of such water, liquid or ice therefrom upon any street or place, but shall, at all times, cause the same to be removed, or to pass along the gutter or some proper passage into a sewer, and no storm water shall be allowed to fall through down-pipes from any building upon the sidewalks or streets, but shall be conducted by down-pipe or guttering under the pavements and into the street gutters, and in all alleys and public places the same shall be conducted in pipes down to the pavement or surface of the ground.

Storm water
—how dis-
posed of.

Pounds must
be sanitary.

Sec. 263. That no keeper of any pound shall allow the same, or any animal therein, by reason of any want of care, food, ventilation or cleanliness, or otherwise, to be or become dangerous or detrimental to human life or health.

Protection
against
hydrophobia.

Sec. 264. That every animal which is mad or has the hydrophobia, or shows symptoms thereof, shall, by the person owning the same, or having the possession, charge or control thereof, be at once killed; and every animal that has been exposed to such disease shall be confined in some secure place for such length of time as to show that such exposure has not given

MISDEMEANORS, SANITARY REGULATIONS.

such animal said disease, and so as to avoid all danger to life or health. And the dead body of any animal that died of such disease shall be at once, by such person, buried not less than 3 feet under ground, at some place not within 1,000 feet of any residence.

Sec. 265. That no person shall permit or have any offensive water, or other liquid substance, on his premises or grounds, to the prejudice of life or health, whether for use in any trade or otherwise; and no establishment or business place for tanning, skinning or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started or established in the city, or within one mile of the corporate limits of the same, without a permit from the Board of Health. And every such establishment now existing shall be kept cleanly and wholesome and be so conducted in every particular as not to be offensive or prejudicial to life or health.

Tanning,
skinning, etc.,
regulated.

Sec. 266. That no person or company, being a manufacturer of gas, shall throw or deposit, or allow to run, or shall permit to be thrown or deposited, into any public waters, or into any sewer, or into any street, or public place, any gas-tar, or any refuse matter of or from any gas-house, works or manufactory, or make gas of any such ingredients or quality that any substance shall escape therefrom, or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use all reasonable means for preventing the escape of odors.

Gas works—
regulating
manage-
ment of.

Sec. 267. That no water-closet, sink, tub, vat, or other structure, shall hereafter be constructed in the city having connection with or by any sewer or underground passage, unless the

Water closets,
vats, sinks,
etc., con-
structed to
prevent es-
cape of gas.

MISDEMEANORS, SANITARY REGULATIONS.

same is provided with adequate or the best approved constructions and precautions for preventing gases and other offensive currents, substances or smells from passing up or out through such connection from such sewer or passage; nor shall any such water-closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

Construction of rooms containing privies and urinals.

Sec. 268. That all water-closets, privies and urinals hereafter constructed in any building used as a residence within the city, shall be placed in a room not less than five feet in each diameter, and said room shall have at least one window, $2\frac{1}{2} \times 6$ feet, with upper and lower movable glass sash hung on weights.

There shall also be placed in the ceiling of said room a ventilator, at least eighteen inches in diameter, connected with a pipe not less than six inches in diameter, leading through the roof of the house, wherein said closet or urinal is placed. Said room shall not communicate directly by means of any door or opening whatever with any sleeping-room, sitting-room or apartment which is occupied by any human being, during as many as two out of any twenty-four consecutive hours, nor shall any door, window or other opening of said room be made within three feet of any apartment occupied by any human being, during two out of twenty-four consecutive hours.

Misdemeanor to prepare plan violative of this rule.

Any architect who prepares any plan of a house in violation of the above shall be guilty of a misdemeanor, and subject to a fine of not less than \$5 nor more than \$50.

Misdemeanor to construct.

Any contractor or carpenter constructing a closet in violation of the above shall be guilty of misdemeanor, and punishable by a fine of not less than \$5 nor more than \$50.

Any plumber putting in a privy or urinal in violation of the above, or any owner or agent paying for same, or authorizing the

MISDEMEANORS, SANITARY REGULATIONS.

construction of a closet or urinal in violation of the above, shall be guilty of a misdemeanor, and punishable by a fine of not less than \$5 nor more than \$50 for each offense.¹

Sec. 269. That no part of the contents or of substance of any sink, privy or cesspool, nor any manure, ashes, garbage, rubbish or dirt, shall be by any person flung, or allowed to run or drop, into or remain in any street or public place, except as herein elsewhere specified.²

Substance from sinks, etc., not to remain in street or public place or sewer.

Sec. 270. That no swill, brine, urine or animals or other offensive animal nuisance, nor any stinking, noxious liquid, or other offensive matter of any kind, shall by any person be allowed to run or fall from or out of any building, vehicle or erection into or upon any street or public place, or to be taken or put therein, save as herein elsewhere provided.³

Sec. 271. That no butcher's offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter, shall be thrown by any person into any street, place or sewer, or upon any ground or premises of said city.⁵

Sec. 271. That no person shall draw off, or allow to run off, into any ground, street or place of said city, the contents of any vault, privy, cistern, cesspool or sink, nor shall any owner, tenant, or occupant of any building to which any vault, sink, privy³ or cesspool shall appertain or be attached, permit the contents, or any part thereof, to flow therefrom, or to rise within two feet of the top, or permit said contents to become offensive; nor shall any privy or other erection in the section mentioned be filled with or covered with dirt till its filthy contents shall be emptied.⁴

Cesspool not to be drained into street nor allowed to rise within 2 feet of top.

¹ Section 268 and sub-sections passed September 4, 1890.

² Passed January 7, 1890.

³ Passed January 7, 1897.

³ Digging of privy vaults forbidden, Post-Section 322.

⁴ The words "unsewered portion of the" inserted by ordinance passed May 11, 1882.

MISDEMEANORS, SANITARY REGULATIONS.

Ashes, etc.,
not to be
thrown in
cesspool.

Sec. 272. That no person shall throw into or deposit in any vault, sink, privy or cesspool any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle.⁴

Contents of
cesspool, etc.,
not allowed
to become
offensive.

Sec. 273. That neither the contents of any tub, or of any receptacle, cesspool, privy, vault, sink, water-closet or cistern, nor anything in any room, excavation, vat, building, premises or place shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life or health.⁵

Contents of
cesspool not
allowed to
fall in street.

Sec. 274. That no person shall throw, drop or allow to fall into any street or place any substance being or having been part of the contents of any such vault, cesspool, privy, sink, tub or receptacle.⁵

Boxes for
ashes and
garbage to be
provided in
unsewered
part of city.

Sec. 275. That it shall be the duty of every owner, tenant, lessee and occupant of any and every building or place of business in the unsewered portion of the city forthwith to provide, or cause to be provided, and all times thereafter to keep and cause to be kept and provided within such building or place of business, suitable and sufficient boxes, barrels or tubs for receiving and holding, without leakage and without being filled to within four inches of the top thereof, all the ashes, rubbish, garbage and liquid substances, of whatever kind that may accumulate during 36 hours from said building or place of business, or the portion thereof of which the person may be the owner, tenant, lessee or occupant, and every such box, barrel and tub designed to hold ashes shall be made of or lined with some suitable metal; that a separate vessel shall be provided for ashes and rubbish, and another for garbage and liquid substances, and ashes and rubbish shall not be placed or kept in the

⁴ The words "unsewered portion of the" inserted by ordinance passed May 11, 1882.

⁵ Passed January 7, 1897.

MISDEMEANORS, SANITARY REGULATIONS.

same vessel with garbage and liquid substances, and all ashes, rubbish, garbage and liquid substances that should be removed from such building and place of business, or from that part for which said receptacles were provided, and none other, shall be placed therein, and no such box, barrel or tub shall remain on any sidewalk, or in any public place, longer than needful for the removal of the contents thereof.¹

Sec. 276. That such boxes, tubs and barrels shall at all times be kept inside the property line, and within 5 feet of a street or public alley or entrance; provided, however, that whenever and wherever the city may place a public garbage receptacle the occupants of the premises within a radius of 150 feet thereof shall deposit therein all garbage accumulated by them.¹

Where garbage boxes, etc., to be kept.

Sec. 277. *Be it further ordained*, That all store and factory waste, such as paper, straw, cinders, decayed fruits, vegetables and all other refuse, not strictly kitchen garbage or domestic household waste; and also all rubbish and refuse left on the streets and sidewalks by builders or contractors must be removed by the owners or occupants of the premises, or by the builder or contractor, with reasonable promptness.

Store and factory waste to be removed.

That the public garbage carts shall remove and dispose only of kitchen and domestic household waste, including ashes, and that all other refuse, such as grass, weeds, stable manure, etc., must be removed with reasonable dispatch by the owner or occupant of the premises.

Substances to be removed by city carts.

Be it further ordained, That a violation or failure to comply with the provisions of this ordinance, or any part thereof, shall subject the offender to a fine of not less than \$1 nor more than \$50.¹

Penalty for violation of this ordinance.

¹ Ordinance passed January 7, 1897.

MISDEMEANORS, SANITARY REGULATIONS.

Garbage to
be delivered
to carts—
when.

Sec. 278. That all occupants so preferring may deliver their ashes, garbage and rubbish directly to the proper carts, to be taken away at any hours of the day when carts may be present, and said carts may take such articles from receptacles delivered at any such hour, provided that such garbage or rubbish be not highly filthy or offensive, and in the latter case the same shall not be delivered or received between the hours of 7 o'clock in the morning of any day and 10 o'clock at night.

Provision as
to garbage
boxes in sew-
ered parts of
city.

Sec. 279. Every owner or occupant of premises within the sewered portions of the city is required to have a receptacle for garbage in some place on or near such premises always convenient to the garbage carts, within five feet of the line of alley or street, such receptacle to be a neatly painted box, with a tightly fitting top, such box to hold not less than two nor more than four bushels, and so constructed as not to be easily turned over. And all dry garbage is to be put in such receptacle, to be carried off by the garbage carts, and all liquid garbage to be poured into the sewer receptacle or slop basin. Any one violating this ordinance, or any one interfering with such garbage boxes or any one of the same, shall be guilty of a misdemeanor.²

Rubbish to
be removed
from pave-
ment.

Sec. 280. That every person who shall have paved, or cause to be paved, any street or place, shall cause all rubbish, dirt, and whatsoever else he has deposited, or allowed to be deposited on such pavement, to be removed from the several parts of such pavement within five days from the time of the same being deposited thereon. And every person who has removed any flagstone, curbstone, pavement stone, or other stone, or dirt or iron, in or from any street, sidewalk or place, for the purpose of repairs, or for the purpose of paving, flagging or curbing, or repairing, or re-curbing, or re-flagging, or making any repairs or

² Section 279 passed May 11, 1882.

MISDEMEANORS, SANITARY REGULATIONS.

changes, or otherwise, shall cause the same or a proper substitute therefor to be placed or replaced, and completed as soon as the same can reasonably be done.

Sec. 281. That every owner, lessee, tenant or occupant of any stall, stable or apartment in which any horse, cattle or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animals shall collect or accumulate within said city, shall cause said liquid and manure to be at once removed to some proper place, and shall at all times keep or cause to be kept, such stalls, stables and apartments, and the drainage, yards and appurtenances thereof, in a cleanly and wholesome condition, so that no offensive smell detrimental to health shall be allowed to escape therefrom; and when within 300 feet of any occupied dwelling-house, or of any manufactory where more than 5 persons are employed, the removal from the stable shall not be made, nor shall the manure or refuse from any stable be allowed to remain on any street or place near such stable, any time between 8 o'clock a. m. and 6 o'clock p. m. of any day, without special permit from the Board of Health.

Sanitary provisions for stables.

Sec. 282. That no person shall empty, or attempt to empty, any vault, sink, privy or cesspool in the city, except under a permit therefor, first obtained from the Board of Health. And the Board of Health is required to keep a record of all vaults, sinks and cesspools emptied, and when any are emptied they are to be reported to the Board of Health that the same may be inspected.

Vaults, sinks, etc., not to be emptied without permit.

Sec. 283. That no part of the contents of any privy, vault, sink or cesspool, or any accumulation of any offensive fluid, liquid or semi-liquid substance or material, being in any excavation, cellar or place within the city, shall be removed therefrom, nor shall the same be transported through any of the streets or avenues of said city, unless and except the same shall be removed

Contents of privy vaults to be removed in airtight apparatus only.

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and transported by means of air-tight apparatus, or in such manner as shall prevent entirely the escape of any noxious or offensive odors therefrom, and by a permit from the Board of Health.

Business of scavenger not to be conducted without permit.

Sec. 284. That no person shall engage in the business of scavenger, or of transporting manure, swill, ashes, offal, rubbish or garbage, or any offensive or noxious substance, or in driving any cart for such purpose in the city, until he shall have first received a permit from the Board of Health, of such form and effect as the regulations of the Board shall provide, authorizing such person so to engage.

Garbage wagons shall not congregate nor stand in one place any longer than necessary.

Sec. 285. That no cart or other vehicle for carrying any offal, swill, garbage or rubbish or the contents of any privy, vault, cesspool or sink, or having upon it or in anything on such cart, any manure or nauseous or offensive substance, shall, without necessity therefor, stand or remain, nor shall a needless number gather before or near any building, place of business, or other premises where any person may be, nor shall any such cart occupy an unreasonable length of time in loading or unloading, or in passing along any street, or through any inhabited place or ground, nor shall any such cart, or vehicle, or the driver thereof, or anything thereto appertaining, be in a condition needlessly filthy or offensive; and, when used in connection therewith, shall be stowed and kept in some place where no needless offense shall be given to any of the people of said city.

Garbage carts to be strong and tight.

Sec. 286. That all carts and vehicles in the last section mentioned, and boxes, tubs and receptacles, in which any substance in said section referred to may be, or be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak or spill therefrom; and that when, in the opinion of the Board

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of Health, it is necessary to prevent the contents of such carts or vehicles, tubs, boxes or receptacles from being offensive, each of such carts, tubs, boxes and receptacles shall be adequately and tightly covered, as the orders and regulations of the Board of Health may provide or direct.

Sec. 287. That no driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor any person engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cesspool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building or premises.

Loading and unloading of garbage shall not be needlessly offensive.

Sec. 288. That no person shall allow any cart or vehicle to be so fully loaded, or to be in such bad condition of repair, or of such faulty construction, or to be so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt or material thereon shall fall upon or in any place, street or premises.

Garbage carts to be properly loaded, constructed and driven.

Sec. 289. That all putrid or offensive matter, and all the contents of sinks, privies, vaults and cesspools, and all noxious substances in the built-up portion of said city, shall, before their removal or exposure, be disinfected and rendered inoffensive by the owner, lessee or occupant of the premises where the same may be (or in default of the same being so done) by the person or contractor who removes or is about to remove the same, at the cost of said owner, lessee or occupant.

All offensive matter to be disinfected before removal.

Sec. 290. That neither the owner, tenant nor occupant of any building or premises in the built-up portion of the city shall employ, cause or permit any part of the contents of any vault,

Contents of vaults, etc., not to be removed without permit.

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privy, sink or cesspool (being thereon and of which he has control) to be removed, unless according to a permit or the regulations of the Board of Health.

Offensive
matter not to
be disturbed
except for
removal.

Sec. 291. That no manure, garbage or other material that is liable to emit an offensive exhalation, shall, in or adjacent to the built-up portion of the city, be turned or stirred (except about its removal) in such a way as to be liable, by reason thereof, to increase such exhalations.

Oyster shells,
etc., to be re-
moved.

Sec. 292. That every proprietor, lessee, tenant and occupant of any oyster-house, oyster saloon or other premises where any oysters, clams, lobsters or shell or other fish are consumed, used or sold, or where any of the refuse matter, offal or shells thereof accumulate, shall daily cause all such shells, offal and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon and premises at all times free from any offensive smell or accumulations.

House swill
or garbage to
be transported
in tight boxes.

Sec. 293. That no hotel or house swill or garbage, or offensive material of a liquid, or partly liquid nature, not removed or required to be removed by the contractors for street cleaning, shall be transported through or along any street of the city, except in tightly covered, iron-bound casks or boxes, and none of the contents of such casks or boxes shall be allowed to fall or leak or spill therefrom.

Ashes from
foundry, etc.,
not to accu-
mulate.

Sec. 294. That the owners, lessees, tenants and managers of every blacksmith or other shop, forge, coal-yard, foundry, manufactory and premises where any business is done, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive, nor shall any smoke, cin-

MISDEMEANORS. SANITARY REGULATIONS.

ders, dust, gas or offensive odor be allowed to escape from any such building, place or premises, to the detriment or annoyance of any person not being therein or thereupon engaged.

Gas, smoke, etc., not allowed.

Sec. 295. That no vault, privy,¹ sink, cistern (or well)² or cesspool shall hereafter be made or rebuilt in the city except in accordance with the regulations and pursuant to a permit from the Board of Health, nor shall any erection or cover be made or put upon or over the same, until the same has been examined by the President of the Board of Health, or an officer detailed by him, and been found to correspond to such permit and regulations, and no privy shall be built within four feet of the line of any lot.

Vault, cistern, well, etc., not to be built without permit.

Sec. 296. That no person shall leave in or throw into any place or street, or public water, nor offensively expose or bury the body (or any part thereof) of any dead, or fatally sick, or injured animal; nor shall any person keep any dead animal, or any offensive meat, bird, fowl or fish, in a place where the same may be dangerous to the life or detrimental to the health of any person.

Dead animals.

Sec. 297. That it shall be the duty of every contractor and person (his agents and employes) who has contracted, or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings or other filthy, offensive or noxious substance, or is engaged about any such removal, or in loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and little offensive, and with as little danger and prejudice to life and health, as possible.

Garbage, etc., to be removed with as little offensiveness as possible.

¹ No privy vaults allowed to be dug, Post-Section 322.

² Ordinance passed June 22, 1896.

MISDEMEANORS. CONTAGIOUS DISEASES.

Contagious
diseases to
be reported.

Sec. 298. Every physician shall immediately report to the Board of Health, in person or in writing, any person he may attend or be called to see (within the city limits or one mile outside thereof) sick with or who he has reason to suspect has either of the following named contagious diseases: Cholera, smallpox, yellow fever, scarlet fever, diphtheria, pseudo-membranous croup (varicella or chicken-pox),³ typhoid fever and tuberculosis, giving his or her name, color, age and place of residence. In the absence of a physician, the parent, guardian, employer or head of the house where such patient is sick shall make such report. Thereupon it shall be the duty of the health officer, or one of the sanitary police, to placard the house or residence whereof the above-named diseases are reported to exist, said card designating the character of the disease, and it is not to be removed by any other than a health officer or sanitary policeman. The death or convalescence of such sick person shall be likewise reported to the Board of Health immediately by the attending physician or person first reporting the case, when the health officer or sanitary policeman will remove such placard from the house, fumigating and disinfecting said house or room, with its furniture, bedding, etc.⁴

Houses
where con-
tagious dis-
eases exist to
be placarded.

Death from
contagious
disease to be
reported by
physician.

Sec. 299. That it shall be the duty of each and every practicing physician in the city to report, in writing, to the Board of Health, the death of any of his patients who shall have died in said city of contagious or infectious disease, within twenty-four hours thereafter, and to state in such report the specific name and type of such disease.

Same report
to be made
by hotel-
keeper.

Sec. 300. That every keeper of any boarding-house or lodging-house and innkeeper and hotel-keeper shall, within twenty-four hours, report in writing to the Board of Health the same par-

³ Amended by ordinance passed February 24, 1896.

⁴ Ordinance passed March 10, 1887.

MISDEMEANORS, CONTAGIOUS DISEASES.

particulars in the last section required of any physician concerning any person being at any of the aforesaid houses or hotels, and attacked with any contagious disease.

Sec. 301. That the master, chief officer and consignee, or one of them, of every vessel being within one-fourth of a mile of any dock, wharf or building of said city, shall daily report to the Board of Health, or cause to be reported, in writing, the particulars, and shall therein state the name, disease and condition of any person being in or on such vessel, and sick of any contagious disease.

Character of disease on vessel to be reported.

Sec. 302. That it shall be the duty of every person knowing of any individual in said city sick of any contagious disease, and the duty of every physician hearing of any sick person, whom he shall have reason to think requires attention, to report at once the facts to the Board of Health, in regard to the disease, condition and dwelling place, or position of such sick person.

Duty of all persons and physicians to report contagious diseases.

Sec. 303. That the keeper, lessees, tenants and owners of every boarding-house and lodging-house shall, within six hours after the fact shall come to his or her or their knowledge, notify the Board of Health, in writing, of the fact of any person lately from any vessel or railroad being taken sick at such house, and shall in such notice state where such sick person may be found, and from what vessel or railroad, and when he came, to the best of the knowledge of the person or persons giving such notice.

Boarding house keepers shall report contagious diseases.

Sec. 304. That every master and chief officer of any vessel or railroad, and every physician of or who practiced on any vessel or road which shall arrive at the port of said city from any port or place, shall at once report to the Board of Health any facts connected with any person or thing on such vessel or road, or that came thereon, which he has reason to think

Chief officers and physicians on vessels and railroads to report contagious diseases.

MISDEMEANORS, CONTAGIOUS DISEASES.

may endanger the public health of said city, and he shall report the facts as to any person being or having been sick thereon of a contagious disease, and as to there being or having been thereon any infected person or articles.

All useful information to be given by master, etc., of vessel as to contagious disease.

Sec. 304a. That every master, owner, part owner and consignee of any vessel, or of the cargo thereof, which shall be in said port, shall at once give, or cause to be given, to the Board of Health, written notice of any infected article or person, and of every person sick of a contagious disease, and also of each and every fact and thing relative to said vessel, sick person or cargo, or to the crew of such vessel, which any of the first-mentioned persons shall have reason to think may be useful for the Board of Health to know, or be or become dangerous or prejudicial to life or health in said city.

Persons or property subject to contagion not to be removed from vessel.

Sec. 305. That no captain, officer, owner, consignee or other person in charge of any vessel, shall remove or aid in removing from any vessel to the shore, any person sick of, or person that has been exposed to, and is liable very soon to develop any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease; nor shall any person in any way make exposure of any straw, bedding or other articles that have been subjected to the contagion or infection of any contagious disease, or have been or are liable to communicate such disease, or have been lately on any emigrant or ordinary passenger vessel, till the same have been adequately cleansed or disinfected, except in accordance with a permit of the Board of Health, or with its special regulations.

Articles or persons from infected districts not to be brought to city.

Sec. 306. That no person shall bring into the city from any infected place or land, or take therein from any vessel lately from any infected port, or from any vessel or building in which have lately been any person sick of a contagious disease, any

MISDEMEANORS, CONTAGIOUS DISEASES.

article or person whatsoever; nor shall any such person land or come into said city without a permit from the Board of Health.

Sec. 307. That every person being the parent or guardian, Vaccination. or having the care, custody or control of any minor, or other individual, shall cause and procure such minor or individual to be so promptly, frequently and effectively vaccinated that such minor or individual shall not take, or be liable to take, the smallpox.

Sec. 308. That no parent shall allow any child or children Same. of theirs, and no guardian shall allow any ward of theirs, to enter any school, and no teacher in any public or private school shall allow any child to enter such school, as a scholar, who has not been successfully vaccinated, or who does not produce a certificate of a good physician, that vaccination has been tried and failed.¹

Sec. 309. That no person shall, within the city, carry or Persons with contagious diseases not to be removed without permit. remove from one building to another, or from any vessel to the shore, any person sick of a contagious disease, without a permit from the Board of Health; nor shall any person, by any exposure of any individual sick of any contagious disease, or by any negligent act connected therewith, or by a needless exposure of himself, cause or contribute to, or promote the spread of, disease from any such person, or from any dead body.

Sec. 310. That no interment of the dead body of any human Interments not to be made without permit. being or disposition thereof in any tomb, vault or cemetery, or by transportation, shall be made without a permit therefor, granted by the Board of Health, nor otherwise than in accordance therewith; and no undertaker or other person shall make, assist in, assent to or allow any such interment, or aid or assist

¹ Passed 1882.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

Interments not to be made in city limits nor within 1-4 mile thereof.

about preparing any grave or place of deposit for any such body, for which such permit has not been given, authorizing the same; and it shall be the duty of every person who shall receive such permit to preserve and return the same to the Board of Health, and the interment of the dead body of any human being, within the limits of the City of Memphis, or outside the same, within one-quarter of a mile of the limits thereof, is hereby prohibited.²

Sextons and undertakers must register name, address and business with Bd. of Health.

Sec. 311. That every person who acts as a sexton or undertaker in the city, or has charge or care of any vault, tomb, burying ground or cemetery for the reception of the dead, or where the bodies of any human beings are deposited, shall cause his or her name and residence, and the nature of his or her charge and duties, to be registered with the Board of Health.

Undertakers to make weekly reports of interments and bodies transported.

Sec. 312. That every undertaker shall, before 5 o'clock p. m. Saturday of each week make report to the Board of Health of the bodies and persons buried or transported since his last return, and in such form and specifying such particulars as the regulations of the Board of Health may require; and he shall, at the same time, return all permits under which said interments or other disposition shall have been made.²

Dead bodies not to be exposed to peril of health.

Sec. 313. That no person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

Reports to be made of all deaths, and births.

Sec. 314. That every clergyman, magistrate and other person who may perform a marriage ceremony shall furnish the Board of Health with a written statement, signed by himself, of such marriage celebrated, giving residence, age and names

² Ordinance passed December 10, 1894.

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in full of the parties married; and every physician, midwife or other person who shall assist or advise at any birth shall make a full report of the same to the Board of Health, signed by him or herself, giving place, ward, street and number of such birth, and the sex and color of every child born, and the name and residence of the parents; and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make written return, signed by himself, of such death, stating the cause thereof, and specifying the date, place and street number of such death.

Sec. 315. That it shall be the duty of every person mentioned in the last section to furnish the Board of Health a written statement, by him or her signed, within five days after the birth or marriage, and within thirty-six hours after death of any person, of all the facts attending such marriage, birth or death, which shall be placed on file with the Board of Health.

Sec. 316. That no railroad car or vehicle constructed for or engaged in the business of carrying passengers on any line of railroad in the city, and which car is propelled by horse power (or electric), and not by steam power, shall be used with cushions (or carpetings)⁴, on the seats or on the back of the seats thereof.

Cushioned
seats not to
be used on
city cars.

Sec. 317. That each and every car used upon any railroad in the city, for carrying or transporting passengers, shall, on each and every day on which it may be used for the carrying or transportation of passengers, be carefully and thoroughly swept and cleaned, so that all dirt and filth are removed from the inside of said car.

Street cars
to be kept
clean.

⁴ Passed April 26, 1894.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

Dangerous
buildings or
attachments
thereto
forbidden.

Sec. 318. That no owner, part owner, tenant or occupant of any building or erection shall allow any part thereof, or any substance therein, or anything thereto attached, and which any such person can control or remove, to continue or remain in a position or condition that shall imperil the life or safety of any person thereat or therein, or who is or may properly be in any street or place.

No danger-
ous sub-
stance, ani-
mal or thing
to be on
street.

Sec. 319. That no person shall take, carry, expose or place in or upon any street or public place any substance, animal or thing which shall imperil the life or health of any person who is or may properly be in such street or place.

Disinterment
of dead bodies
forbidden.

Sec. 320. The disinterment of dead bodies from any of the cemeteries or burial places in or near this city, or storing dead bodies within the same, except for freezing or embalming, without special permission from the Mayor, and on such terms as he may prescribe, is forbidden.⁵

Sidewalks
and gutters
to be kept
clean.

Sec. 321. Occupants of any and all premises fronting on any street or alley in the city shall clean up the sidewalks, guttering, and also the street or alley; if a street, four feet outside of the curbing; and if an alley, four feet from the line thereof, toward the center—the whole front of said lot or premises—twice a week (the time in the week to be designated by the Board of Health), and pile up the cleanings in the center of the street or alley for the garbage carts; and if the street or alley bounds more than one side of any lot or premises, the occupant of such lot or premises shall clean both streets or alleys as above provided; and if there be no occupant of such premises, the owner, or if he be a non-resident, his agent, shall have the cleaning done; and if such owner or his agent cannot be found, the engineer shall have the cleaning done at the cost of the owner; and this

⁵ Acts of 1879, pp. 63-64, Section 1, not to be removed until fifteen months after interment, nor when the thermometer is over 32 degrees Fahrenheit.

MISDEMEANORS. SANITARY REGULATIONS.

ordinance shall apply to the alleys in the rear as well as on the sides of any lot or premises; *provided*, that on all the streets where street railroads, or other railroads, run, the railroad company shall clean up between their tracks and two feet on each side of them.¹

Sec. 322. There shall be appointed by the Legislative Council and the Board of Health, a Board of Inspectors of Vaults, who shall each at once proceed to inspect every privy and vault and water-closet in the respective districts assigned them, and where, in his or their opinion, the same or any of them are in unsanitary condition, the inspector shall at once condemn the same as a nuisance and notify the occupant or owner of the premises where such privy, vault or water-closet is, to clean out, disinfect and fill up the same within ten days thereafter; *provided, however*, when such occupant and owner is so notified, if he feels aggrieved by such action, he may petition the Fire and Police Commissioners within two days after said notice to have a committee of three citizens appointed by the Mayor to visit and inspect such vault, who shall act at once; and upon their inspection such action shall be taken as they, or any two of them, may, in writing, suggest, and the digging of privy vaults in the city is hereby forbidden.²

Inspector of vaults and his duties.

Privy vaults forbidden.

Sec. 323. After the privy vaults have been cleaned out, disinfected and filled up, the fecal matter from receptacles provided therefor shall be removed at the expense of the city, until connections can be made with the sewers, or until such time as this Council shall further determine.²

Fecal matter from unsewered district removed by city.

Sec. 324. That it shall be the duty of every owner or occupant on whose premises there is a privy vault, as soon as notified by order of the Board of Health, to at once have the same cleaned

Privy vaults to be cleaned out and filled up.

¹ See Section 698 Post.

² Sections 322 and 323 passed January 10, 1880.

MISDEMEANORS, SANITARY REGULATIONS.

out and filled up, as provided in Section 323 of this ordinance, and it shall be unlawful for him or her to fail to do so; and if the same is not commenced within five days thereafter and prosecuted to completion with due diligence, it may be done by the Board of Health at the cost of such owner or occupant, to be recovered by the City Attorney from such owner or occupant; or made out of the property.

Receptacles
to be used for
fecal matter
—how dis-
posed of.

Sec. 325. That as soon as the privy vaults are closed, as above provided, every one shall provide in their stead a receptacle for fecal matter, which may consist of a water-tight box, with handles, holding from three pecks to a bushel, let in under the privy seat, or a bucket or tub of such size and construction as the Board of Health may prescribe; or a cement platform, raised at the edges six inches above the earth, and sloping toward the center, may be used, subject to the approval of the Board of Health; and at least once a day the excrement in the receptacle shall be covered with dry earth or dry ashes; and once every two weeks, or oftener if necessary, all of the excrement shall be carried off at the expense of the city,³ and removed to such place as the Board of Health may designate.

Bd. of Health
shall super-
vise all privy
vaults.

Sec. 326. That all privies⁴ and receptacles for excrement shall be under the supervision of the Board of Health, and every one in the city shall be inspected once a month, or oftener if necessary, and for this purpose the officers of this board or the sanitary police shall have ingress and egress to and from each and every one of the premises of the city. And they shall see that every privy is kept clean and in a perfect sanitary condition, and it shall be unlawful for any one to fail to allow such ingress or egress, or fail to keep the said privy in such clean and healthy condition.

³ Ante Section 323. "Until connections with sewers can be made."

⁴ Digging of privy vaults forbidden. Ante Section 323.

MISDEMEANORS, SEWER CONNECTIONS, ETC.

Sec. 327. It shall be a misdemeanor to do, or cause to be done, any of the following acts, except as herein provided, and any and all persons guilty thereof shall be fined not less than \$1 nor more than \$50.

Misdemeanor to commit following acts.

Sec. 328. To uncover the public sewer for any purpose or make connections therewith, or uncover the public connection branches thereof, unless and except by the consent and under the supervision of the District Engineer, or his duly authorized agent or agents, whose duty it shall be to insure full compliance with this ordinance in relation to connections, and a failure of duty in this respect shall subject such engineer or agents to all the penalties in this ordinance.

Uncover sewers without permission.

Sec. 329. To make, or cause to be made, any such connections except as above provided, and by a competent and skillful mechanic, duly licensed to do such work by the Legislative Council, such mechanic not to be the agent of the District Engineer, or to make such connections in any other manner than as follows:

Connections—how made.

A—Every pipe connecting with the sewer, whether of cast-iron or earthen-ware, must be sound and impervious in all its parts, and jointed in the best manner.

B—Gaskets must be used in all cases; no other metal than cast-iron will be allowed, and joints in iron pipe must be of well-caulked lead.

C—Cement pipe is not to be used, but earthen-ware pipes of the best quality, jointed with fresh, strong cement mortar.

D—These pipes to be laid at least two feet deep, and above that depth, the vertical pipes to be cast-iron, and all pipes from the sewer connection to the top of the soil-pipe to be fully four inches in interior diameter at every point.

MISDEMEANORS, SEWER CONNECTIONS, ETC.

E—No trap or any manner of obstruction to the free flow of air through the whole course of the drain and soil-pipe to be allowed, and any mechanic who shall directly or indirectly place, make, or cause, or allow to be placed or made, any trap, contraction or other obstacle anywhere in the course of such pipe, in addition to the penalty herein prescribed, shall forfeit his license, and shall be ineligible to re-license for one year, and any other person offending as above shall be subject to the penalties of the ordinance, and shall, in addition, pay the costs of rectifying the wrong done.

F—Every connection of a water-closet, sink, basin, or other vessel connected with the pipe, must be separated from it by a trap, offering an obstacle to the passage of air equal to not less than three-eighths of an inch depth of water.

Failure of owners or occupants to provide water closets, etc.

Sec. 330. For the owner or occupant of any building, any portion of which is used for any purpose during any portion of the day, to fail to have at least one water-closet connected with the public sewer fifteen days after notification from the Engineer, or Mayor, and to fail to have such water-closet suitably arranged for use as a urinal, unless a separate urinal is provided.

Failure to have a sink or other receptable for waste water.

Sec. 331. For the owner or occupant of any building in which food is cooked or clothing is washed, to fail to have a suitable sink, slop-stone or hopper for the reception of waste water; *provided, however*, that if the water-closet is of a kind suited to such use, it may receive the waste water, and the sink, slop-stone or hopper may be dispensed with.

Throwing filthy substances on ground.

Sec. 332. To throw, or allow to be thrown or deposited, on the surface of the ground, or in any hole or vault, in or under the surface of the ground in the city, whether public or private, except in the proper and necessary manuring of the soil, any water which has been used for domestic purposes, or any liquid or solid filth, or feces, or urine.

MISDEMEANORS, SEWERS, DRAINS, ETC.

Sec. 333. To allow any surface water or rain water, from the ground, or roofs of houses, to enter any sewer or drain, or any vessel or slop-stone, connected with any sewer or drain, or to admit any drainage water from any cellar, to a sewer; *provided, however,* that drainage for cellars may be provided in accordance with the regulations, plans and descriptions in the City Engineer's office, and subject also to the restrictions of Section 328 of this section.

Allowing surface water to enter sewers.

Sec. 334. To use or cause to be used any house drains for any other purpose or purposes than those specified in this ordinance, except by special permission from the Legislative Council.

Misuse of drains.

Sec. 335. To throw or deposit, or cause or permit to be thrown, or deposited, in any vessel or receptacle connected with a public sewer, any garbage, hair, ashes, fruit or vegetables, peelings or refuse, rags, cotton, cinders or any other matter or thing whatsoever, except feces, urine, the necessary closet-paper and liquid house slops. And it is hereby made the duty of all citizens to aid the police in bringing offenders against this ordinance to punishment, and also to prevent breaches of the same.¹

Depositing garbage and other refuse in sewers or connections.

Sec. 336. To use, or allow to be used any soil-pipe, or extension of the sewer connection, whatever use it may serve, which does not extend at least six inches above the eaves or parapet or dividing walls of the house or building in which the same is constructed, and all ventilating pipes, for sewer connections or water-closets, are hereby required to be extended at least six inches above the eaves, parapet or dividing walls, of every house or building in or near which there is a sewer connection.²

Length of soil and ventilating pipe.

Sec. 336a. To use, or allow to be used, any bell-trap, or any other trap depending for its seal on an easily movable part, or to construct, or use, or cause or allow to be constructed or used,

Using improper traps and seals.

¹ Section 335 passed March 4, 1880.

² Sections 336, 336a and 337 passed May 6, 1890.

MISDEMEANORS, SANITATION, CLOSETS, ETC.

any water-closet, which has an unventilated space of more than 100 cubic inches capacity between two water seals, or which has such unventilated space of any capacity, in which any part of the mechanism moves or the walls of which are not flushed at all points at each use of the closet.²

Failure to connect wash-stands, etc., with sewers.

Sec. 337. To fail, or refuse to connect all wash-stand or slop-stands, in the house or yard, with the sewers, or allow any slop, wash or waste water of any kind to flow over the pavement, or under the pavement on or into the street.²

Failure to provide sanitary closets and sinks.

Sec. 338. The owners, tenants or occupants of any improved property within the limits of this city shall be and they are hereby required to construct and maintain such water-closets, slop-sinks and other appliances as may be necessary to good sanitation, and to connect the same with the water and sewer mains.³

Duties of officers to report.

Sec. 339. It shall be the duty of any member of the sanitary or police force of the city to report to the President of the Board of Health any premises upon which the water-closets, slop-sinks or other appliances are improperly located, insufficient in number or capacity, improperly constructed, insufficiently ventilated, or in any respect unsanitary or not in compliance with the ordinances of the city. Thereupon it shall be the duty of

Inspection.

said board to inspect said premises and to determine the question; and if in any of the respects aforesaid the closets, sinks or appliances aforesaid shall be found to be in an unsanitary condition, insufficient in number or capacity, or improperly located, the said board shall, by written notice to the owner, tenant or occupant, specifically point out the defect and the manner in which the same shall be remedied, and the said Board of Health shall decide upon such number and location of closets and appliances as may be necessary for use of the occupants.³

Procedure.

² Sections 336, 336a and 337 passed May 6, 1890.

³ Sections 338, 339 and 340 passed May 9, 1890.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

Sec. 340. That such owner, tenant or occupant shall, within five days after the service of the notice aforesaid, proceed to remedy such defect in the manner prescribed, and shall completely comply with the requirements of the Board of Health within ten days after such service. Failure so to do shall be a misdemeanor, and shall subject any such owner, tenant or occupant, upon conviction thereof, to a fine of not less than \$1 nor more than \$50 for each offense.³

Owner to
remedy defect
within five
days after
notice.

Sec. 341. That every person who knowingly omits or refuses to comply with, or who resists or willfully violates any of the provisions of this article, or any of the rules, orders, sanitary regulations or ordinances established or declared by the Board of Health, in carrying out the provisions of this article, or the execution of any order or special regulation of the Board of Health, made for that purpose, is hereby declared to be guilty of a misdemeanor, and, on arrest and conviction before the President of the Board of Fire and Police Commissioners, he shall be fined for each offense in any sum not less than \$1 nor more than \$50, to be collected as other fines are collected.⁴

Penalties
for non-com-
pliance.

Sec. 342. No person, firm or corporation residing or doing business in the City of Memphis shall sell, exchange or give away the contents of any straw, cotton, excelsior or shuck mattress which has been used for bedding purposes. Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and fined not less than \$2 nor more than \$50 for each offense.

Misdemeanor
to sell or give
away material
which has
been used
for bedding.

Sec. 343. It shall be a misdemeanor for any person to spit on any sidewalk within the limits of the City of Memphis, or upon the walks in any public square in said city, or upon the floor or platform of any street car operating within the city

Spitting on
sidewalks,
etc., misde-
meanor.

³ Sections 333, 339 and 340 passed May 9, 1899.

⁴ Sections 338 to 341, inclusive, passed May 9, 1899.

MISDEMEANORS, PRECAUTIONARY REGULATIONS.

limits, or upon the platforms of railroad stations, or upon the floor of any railroad passenger stations within the city.

Any person violating this ordinance shall be fined not less than \$2 nor more than \$25 for each offense.

Sale or gift
of cocaine
without
proper certifi-
cate.

Sec. 344. No person, firm or corporation shall, within the limits of the City of Memphis, sell or give cocaine or any preparation, compound or mixture of cocaine, or its salts, to any person in any quantity less than one pound, unless the person offering to purchase shall produce a certificate from a practicing physician, stating that such person needs cocaine for his or her physical welfare, and a separate certificate shall be produced for each purchase. Each certificate shall bear the date upon which it is issued, and no sale shall be made upon such certificate except upon the date upon which said certificate is issued, and the certificate shall be delivered to the person making the sale and filed by him, and such certificates shall be open to the inspection of the Police Department of the city at any time.

Misdemeanor.

Any person violating this ordinance shall be fined not less than \$2 nor more than \$50 for each offense, and each sale shall constitute a separate offense.

Placing rags,
paper, etc.,
in garbage
boxes.

Sec. 345. All householders, tenants and occupants of houses within the city are hereby prohibited from putting paper, shavings, rags or other inflammable material into garbage or ash boxes, but all such material shall be burned upon the premises of such householder, tenant or occupant; but care shall be taken not to set fire to any fence, house or property of any character. All such paper and other inflammable material shall be burned in stoves, fireplaces or in some other manner upon the premises of such owner or occupant.

Misdemeanor.

Any person violating this ordinance shall be guilty of a misdemeanor, and shall be fined not less than \$2 nor more than \$50 for each offense.¹

¹ Section 345 passed May 9, 1901.

BY-LAWS GOVERNING LEGISLATIVE COUNCIL.

ARTICLE 19.

BY-LAWS GOVERNING THE LEGISLATIVE COUNCIL.

Sec. 346. The following By-Laws for the government of the Legislative Council and for the transaction of business coming before the Council are hereby promulgated and established:

Sec. 347. The Mayor shall take his seat as presiding officer of the Council, and shall call the meeting to order promptly at the hour appointed for the meeting. In the absence of the Mayor, the Vice-Mayor shall preside. The following order of business shall be observed:

- 1st. Roll call of members.
- 2d. Reading of the minutes of the preceding meeting.
- 3d. Reports of standing committees in the order designated by the Mayor.
- 4th. Reports of special committees.
- 5th. Reports by the heads of departments.
- 6th. Unfinished business.
- 7th. Ordinances and resolutions offered by members.
- 8th. New business.
- 9th. Adjournment.

Sec. 348. The Mayor, as presiding officer of the Legislative Council, shall preserve order and decorum at all meetings of the Legislative Council. Should he desire to absent himself from a meeting, he shall call upon the Vice-Mayor to preside, and if the latter be absent, he shall call upon some other member of the Legislative Council to preside. If the Mayor desires to leave the Council while in session he must obtain the leave of the Council.

Sec. 349. At the first meeting in February of each year, or as soon thereafter as practicable, the Mayor shall appoint the

BY-LAWS GOVERNING LEGISLATIVE COUNCIL.

following standing committees, to serve during the ensuing year:

- 1st. Committee on Railroads.
- 2d. Committee on Parks.
- 3d. Committee on Streets, Bridges and Sewers.
- 4th. Committee on Street, Light and Electric Wires.
- 5th. Committee on Water.²
- 6th. Committee on Public Lands and Buildings.
- 7th. Committee on Privilege Taxes.
- 8th. Committee on Ordinances and Resolutions.
- 9th. Committee on City Hall.
- 10th. Committee on Market House.

Whenever any petition, resolution, proposed ordinance or communication of any character calling for action by the Legislative Council is filed with the Secretary it shall be his duty to refer the same to the appropriate committee, and the Secretary shall call a meeting of the members of such committee to examine into and report upon all business referred to it.

Sec. 350. The Mayor shall appoint all special committees raised by the Council, unless otherwise ordered by the Council, and in the appointment of all standing and special committees the Mayor shall designate one member of such committee to be the Chairman thereof. All committees shall meet at the City Hall, unless the Chairman shall specially request the meetings to be held elsewhere. The Secretary shall call the roll of the members of each committee promptly at the hour set for the meeting, and he shall report to the Council at its next meeting the members present and the members absent at all committee meetings held during the previous month. Each committee shall have the power to call upon the Mayor for information; also upon the heads of departments to appear before them and give

² Amended February 25, 1902.

BY-LAWS GOVERNING LEGISLATIVE COUNCIL.

such information as may be desired. Any person shall have the right to appear before any committee and address it upon any subject under consideration. The Secretary shall notify at least one signer of any petition of the time such petition will be considered in committee. The action of any committee upon any matter referred to it shall be embodied in a written report to the Legislative Council. Such report, with all papers relating thereto, shall be delivered to the Secretary, who shall present it to the Council at its next meeting.

Sec. 351. The chairmen of standing and special committees shall be called upon for their reports in the order laid down in Section 349. All reports of such committees shall be in writing. No verbal report shall be entertained by the chair. A majority of any standing or special committee shall be a quorum for business.

Sec. 352. All ordinances and resolutions must be read and seconded before they are opened for debate.

Sec. 353. Questions shall be put by the chair in the following form: "As many as are in favor of the ordinance, resolution or motion (as the case may be) say 'Aye,'" and, after the affirmative vote is expressed, "As many as are opposed, say 'No.'" Any member may call for a division before the result is announced, and, when such division is called for, the Secretary shall call the roll of the members.

Sec. 354. In all cases of ballot by the Council, every member of the Council is required to vote on all questions submitted to the vote of the same, unless some member has a direct financial interest in the determination of the question under consideration, in which case he may be excused from voting.

Sec. 355. During the pendency of any question before the Council, when the floor is not occupied by any member speaking,

BY-LAWS GOVERNING LEGISLATIVE COUNCIL.

the following motions may be made in the order in which they are named:

To adjourn.

To lay any motion or resolution on the table.

To postpone.

To call for the previous question.

To refer to a committee.

To amend.

Motions to adjourn or lay on the table shall not be debatable.

As to all matters not provided for in these rules, Roberts' Rules of Order shall govern as to questions of parliamentary law and practice.

Sec. 356. No member shall absent himself from the Council while in session without first obtaining the permission of the Mayor.

Sec. 357. No ordinance or resolution shall be acted upon or entertained by the Mayor until it has been reduced to writing.

Sec. 358. None but a member shall address the Council, unless by consent of two-thirds of the members present; but heads of departments may be called upon by any member for information pertaining to such department when such information is pertinent to the question before the Council.

Sec. 359. No member shall be allowed to speak until he has arisen from his seat and has been recognized by the chair as entitled to the floor.

Sec. 360. No member shall speak more than twice upon any one ordinance, resolution or motion pending before the Council, and no member shall consume in said two speeches a longer time than ten minutes. This section may be suspended only by the unanimous consent of the Council; but, by a two-thirds vote, the Council may, before any ordinance, resolution or motion is

PRIVILEGE TAXES.

taken up for consideration, extend the time that may be consumed by each member in speaking thereto.

Sec. 361. Any member interrupting another having the floor, or otherwise interrupting the business of the Council, shall be called to order by the chair or any member of the Council.

Sec. 362. When a matter is referred to a committee of the Council the original papers shall be placed in the hands of the Chairman of such committee, which shall be returned to the Secretary with the report of the committee.

Sec. 363. No ordinance or resolution creating or amending any contract, right or privilege shall be valid or attested by the Mayor or Secretary until it has been acted upon and passed by the Council at two readings, such readings to be had at separate meetings, held on different days.

Sec. 364. All ordinances or local laws, before being published, shall be certified to by the Mayor and attested by the Secretary.

Sec. 365. These By-Laws, or any portion thereof, shall not be suspended or amended except by a two-thirds vote of the members of the Council present.

ARTICLE 20.

PRIVILEGE TAX.

AN ORDINANCE to provide revenue for the City of Memphis, fixing privilege taxes upon occupations, vocations and businesses.

Sec. 366. *Be it ordained by the Legislative Council of the City of Memphis,* That each vocation, occupation and business herein-after named is hereby declared to be a privilege and the rate of taxation on such privilege shall be as hereinafter fixed:

1. Abstract companies, each per annum..... \$ 75.00

PRIVILEGE TAXES.

Advertising companies.	2.	All persons, companies or corporations owning, controlling or conducting the business of advertising in street cars in the City of Memphis, each per annum	100.00
		Agents. See "Merchant Brokers."	
		All persons, companies or corporations owning, controlling or conducting the business of advertising in dummy cars or railroad cars in the City of Memphis, each per annum	50.00
		All persons, companies or corporations owning, controlling or conducting the business of advertising in railroad depots, each per annum.....	10.00
		Advertising agencies, including the painting of signs on fences, walls or other places within the City of Memphis, each per annum.....	100.00
Amusements.	3.	(See Circuses and Menageries and Games.)	
Artists. Photographers.	4.	All artists and photographers, each per annum....	25.00
Auctioneers.		(Which shall include all persons selling goods, wares, merchandise, all other chattels, live stock, real estate or securities at public outcry, whether they charge for the same or not; but is not to apply to judicial sales or sales by trustees.)	
		Every auctioneer or firm of auctioneers, each per annum (b)	75.00
Automobiles, garage or dealers.	5.	All persons, firms or corporations dealing in automobiles, or keeping a garage for same, each per annum	40.00
		For each automobile for rent or hire, per annum..	5.00
		This shall include all automobiles for rent or hire.	
Athletic clubs.	6.	Athletic clubs, or associations, exhibiting boxing or wrestling contests, each per annum (not to be taken for less than twelve months) ¹	300.00

¹ Revenue Act of 1909, Chapter 593.

(b) Revenue Act 1909 fixes license on auctioneers at \$25 per annum.

PRIVILEGE TAXES.

Baseball parks. (For professional leagues.)	7. Baseball parks in the City of Memphis, where admission fee is charged, each per annum..... 25.00 Traveling baseball teams, playing in open air or tents, and not playing in league parks paying a privilege tax as baseball parks, each per annum.. 10.00 This tax not to be taken out for less than one year.
Bill posters.	8. All persons, firms or corporations posting bills or other printed matter for hire, which shall include all persons engaged in bill posting and hanging lithographs, distributing circulars free samples, advertising boards or advertising by stencil, each per annum 75.00
Billiard tables. Bicycles.	9. (See games.) All persons, firms or corporations dealing in bicycles or bicycle supplies, or both, each per annum 10.00 All persons, firms or corporations keeping bicycles for hire, each per annum..... 10.00 When bicycles and bicycle supplies constitute not exceeding 10 per cent. of the common stock of a merchant's stock, the privilege tax under the first clause of this item shall not be paid.
Bottlers.	10. Each firm, person or corporation engaged in bottling other than natural mineral waters, each per annum 75.00 Provided, that brewers or brewers' agents paying taxes as such shall not be liable where they bottle beer only.
Brokers on margin.	11. A privilege tax of \$2,000 per year is levied on each and every person, firm or corporation, and each and every agent and agency of such person, firm or corporation doing a brokerage or commission business and dealing in bonds, stocks,

PRIVILEGE TAXES.

grain, cotton or other produce or commodity, where either of the contracting parties, buyer or seller, is dealing simply for the margin, or on the prospective rise or fall of the article or thing sold, or where either of the said contracting parties have had no intention or purpose of making actual delivery or receiving the property or thing in specie. And the existence of a contract, agreement or understanding between the buyer and seller, or between the broker and such buyer or seller, to the effect that the seller has the right to deliver and the buyer has the right to demand the delivery of the property or thing in specie, shall not exempt the broker from the payment of such tax.

Brokers.

12. (Other than real estate or merchandise.)

Each person, firm or corporation or agent engaged in buying or selling notes, stocks, bonds or other securities in the City of Memphis, each per annum (a) 100.00

No person or persons, firms, associations or corporations engaged in the business of banking or insurance, shall, directly or indirectly, transact any business or enter into or perform any negotiations as a broker without paying the privilege tax levied upon brokers, it being the intention of this act that if any person, firm, association or corporation engaged in the business of banking or insurance shall act, directly or indirectly, as a broker, the same shall be classified and held liable for the foregoing privilege tax on brokers. Dealers in stocks or bonds are hereby held to be brokers.

(a) Revenue Act of 1909 fixes license on Brokers, per annum \$75.

PRIVILEGE TAXES.

Butchers or
retailers of
fresh meat.

13. (This includes all offices, stalls or stores for the sale of fresh meat or from wagon at retail.)

Butchers or retailers of fresh meat, each per annum (a) 25.00

But this shall not apply to farmers butchering and selling meat of their own raising from wagons, nor to abbatoir associations whose members are butchers already subject to butchers and retailers of fresh meat tax, and who kill for their own use.

14. Every person, firm or corporation having paid a license to do business as a butcher or as a merchant, shall have the right to sell fish or game without the payment of any further license, provided the sale of such fish or game be in the same building in which such person, firm or corporation does business as a butcher or merchant.

Cash
register.

15. Each person, firm or corporation having a place of business, displaying cash registers as samples from which sales are made, each per annum.... *25.00

Cobbler.

16. Each person, firm or corporation repairing boots or shoes by machinery, run by other than hand power, each per annum *7.50

Concerts.

17. Concerts. (See Public Balls, Dances, etc.)

Cold storage
companies and
wholesale re-
tailers of
fresh meat.

18. All persons, firms or corporations engaged in the business of selling of meat by wholesale and cold storage companies, each per annum (b).... 200.00
(Cold storage plants not operated for profit shall not be included in the above privilege.)

* Chapter 593, Acts of 1909.

(a) Revenue Act 1909 fixes license on Butchers, etc., per annum \$15.

(b) Revenue Act 1909 fixes license on Wholesale Dealers in Fresh Meat, per annum \$150.

PRIVILEGE TAXES.

Provided, further, that cold storage companies where only produce or meats killed by local butchers is stored shall pay, each per annum....

75.00

19. Carpet renovators, each per annum..... 25.00

20. Cigar stands, each per annum..... 10.00

21. Check rooms where the charge for any article is 10 cents or more for every twenty-four hours or fraction thereof, each per annum..... 20.00

Where the charge is less than 10 cents for every twenty-four hours or fraction thereof, each per annum 10.00

22. (When admission fee is charged.)
Circuses or menageries, each per day (a)..... 200.00

(Side shows and other shows and concerts in connection with above taxed separately under their appropriate head, if they charge a separate or additional fee.)

Slight-of-hand or legerdemain each day and night, or day or night, each..... 20.00

23. Other exhibitions for profit (except circuses, menageries, etc.) except exhibitions for purely charitable purposes, and those given by amateur or home troupes, each day and night, or day or night, each..... 15.00

Per week 30.00

Per month 100.00

Traveling theatrical companies showing in halls and not paying a privilege tax as theaters, for each day and night, or day or night..... 5.00

(a) Revenue Act 1909 fixes privilege on Circuses and Menageries at \$100.

PRIVILEGE TAXES.

Moving pictures.	On vitascope, moving pictures or similar entertainments, in the City of Memphis, each per annum	60.00
Magic lanterns.	On magic lanterns, each per annum.....	5.00
Parades.	Where parades are given in the streets, and the shows are outside the city limits, the same privilege shall be charged for parades that are herein above enumerated for the shows.....	100.00
	For each exhibition of trained animals, or dog or pony show, not being a circus or menagerie, for each day and night, or day or night.....	20.00
	Wild West shows, not being a circus or menagerie, each day and night, or day or night.....	150.00
Cloth peddlers.	24. Cloth peddlers, each per annum.....	50.00
Coal or coke, or coal and coke (agents or dealers.)	25. Each person, firm, agency or corporation dealing in coal or coke, or coal and coke, each per annum	40.00
	This shall apply to each yard from which coal or coke is delivered or sold.	
Coal oil, illuminating oil or lubricating oil, or petroleum products.	26. Each person, firm or corporation, or local agent having oil depots, storage tanks or warehouses, for the purpose of selling, delivering or distributing oil of any description, and each and every person using a railroad car or railroad depot for such purpose, each per annum.....	300.00
	Persons selling to consumers direct from wagons shall pay as peddlers; <i>provided</i> , that where oil does not exceed 5 per cent. of the common stock of a merchant paying merchants' license, this privilege shall not apply.	

PRIVILEGE TAXES.

products. Collection agencies.	27.	This tax shall be paid, whether such agency has paid the tax as required of commercial, mercantile, mutual benefit or protective agencies or not. Collection agencies, each per annum.....	35.00
Commercial, mercantile and mutual protective agencies.	28.	Commercial, mercantile and mutual protective agencies, each per annum..... Local collecting and protective agencies confining their operations to the county where located....	150.00 11.00
Construction companies.	29.	Each foreign construction company, with its chief office outside of this State, operating or doing business in this State, directly or by agent, or by any subletting contract, each per annum.... Each domestic construction company and each foreign construction company, having its chief office in this State, and doing business in this State, each per annum The above tax shall be paid by persons, firms or corporations engaged in the business of constructing bridges, waterworks, railroads, street-paving construction work, or other structures of a public nature.	100.00 25.00
Cottonseed oil mill.	30.	On each plant pressing under 1,000 tons annually.. On each plant pressing 1,000 and under 5,000 tons annually On each plant pressing 5,000 and under 10,000 tons annually On each plant pressing 10,000 and under 20,000 tons annually On each plant pressing 20,000 and under 30,000 tons annually On each plant pressing 30,000 and under 50,000 tons annually	15.00 30.00 40.00 60.00 100.00 150.00

PRIVILEGE TAXES.

		On each plant pressing 50,000 and under 75,000 tons annually	200.00
		On each plant pressing 75,000 and under 100,000 tons annually	300.00
		On each plant pressing 100,000 and over annually..	350.00
Cotton compresses.	31.	Shall be taxed as other property, and each compress pressing one bale and under 20,000 bales per annum, shall pay.....	25.00
		20,000 bales and under 50,000 bales, each per annum	50.00
		50,000 bales and under 100,000 bales, each per annum	100.00
		100,000 bales or over, each per annum.....	150.00
		Compresses compressing round bales shall pay as other compresses.	
Cotton buyers and factors.	32.	(Cotton factors receiving and selling cotton other than merchants that pay a privilege tax.) Each person, firm, company or corporation, each per annum (a)	50.00
Coffee stands and snack houses.	33.	Every keeper of a snack house or coffee stand in which only cold lunches and warm drinks, such as coffee, tea, etc., are served, each per annum..	25.00
Cotton pickeries.	34.	All persons, firms or corporations operating cotton pickeries, each per annum.....	50.00
		All persons, other than cotton pickeries, buying loose lint or seed cotton from other than regularly licensed cotton factors, each per annum..	100.00
Cotton gins.	35.	Cotton gins, each per annum.....	50.00
Chewing gum manufacturers.	36.	Chewing gum manufacturers, each per annum....	15.00

(a) Revenue Act 1909 fixes license on Cotton Buyers, etc., per annum \$25.

PRIVILEGE TAXES.

Carts, drays,
etc.

37. Every owner of carts, drays, wagons and other vehicles drawn by one horse, or other vehicles drawn by one horse, per annum, \$1.00, if the tire be 3 1-2 inches or more in width, and \$5.00 per annum if it be less width; drawn by two horses, \$2.00 per annum, if the tire be 3 1-2 inches or more in width, and \$7.50 per annum if of less width; drawn by three or more horses, \$3.00 per annum, if the tire be 3 1-2 inches or more in width, and \$10 per annum if it be of less width. Every owner of wagons or other vehicles, whether residing in the city or not, kept or used for the free delivery of goods, wares, merchandise or chattels, to customers or others in the city, for each vehicle, the same tax that is herein charged for vehicles of a corresponding description which run for hire; and all corporations, associations, firms or partnerships owning drays, transfer wagons, carts or any vehicle known by any other name and used for transferring raw or manufacturers' articles shall pay the same tax as all other owners pay for like vehicles; *provided, however*, that no tax shall be required of the original vendor or producer of the products of the soil or dairy, raised or produced by himself.

The owner and driver of any vehicle required by law to have a license number on such vehicle is prohibited from retaining or keeping upon his vehicle any other license number than the one for the current year.

PRIVILEGE TAXES.

Carriage or other vehicle.	38.	Every owner of a carriage or other vehicle, kept exclusively for use at funerals, for hire, for each vehicle per annum.....	10.00
Detective agency.	39.	Any person, firm or corporation running a private detective agency, or any person acting as a detective, shall pay per annum.....	*100.00
Dealers in second-hand articles.	40.	Dealers in second-hand articles, per annum..... (See Junk and Rag Stores.)	10.00
Directory companies.	41.	Each person, firm or corporation compiling, selling or offering for sale, directories, each per annum	*50.00
Distillers of brandy.	42.	Each distillery with a capacity of five barrels or over per day, per annum..... Each distillery with a capacity of less than five barrels per day, per annum..... Distillers' license shall not be issued for a less time than one year.	50.00 25.00
Dealers in Oriental wares and novelties.	43.	Each transient person, firm, corporation, association or agent who offers for sale, or sells, Oriental rugs or carpets, bric-a-brac, pottery, or other fancy novelties of any kind, in each county, each per annum..... This license shall be taken out for not less than one year.	100.00
Dyeing and pressing es- tablishments.	44.	Dyeing, pressing and cleaning establishments in the City of Memphis, each per annum (a).....	25.00
Die sinkers and stencil cutters.	45.	Die-sinkers and stencil-cutters, each per annum..	10.00

* Chapter 593, Acts 1909.

(a) Revenue Act 1909 fixes license on Dyeing, etc., per annum \$15.

PRIVILEGE TAXES.

Eating or lunch houses, or stands or wagons.	46.	Eating or lunch houses, or stands or wagons, other than hotels or restaurants, tamales and wienerwurst stands, each per annum.....	25.00
Elevators.	47.	(See Warehouses and Elevators.)	
Electric light and power companies, or electric light or power companies.	48.	This shall apply to corporations, associations or individuals selling light or electricity for commercial purposes—for light or power for sale and selling same, each per annum.....	750.00
Exchange of offices and brokers.	49.	Every person, firm or corporation dealing regularly in exchange, or keeping an exchange office in the city, per annum.....	100.00
Feather renovators.	50.	Persons, firms, or their agents, soliciting or engaged in cleaning and renovating feathers in the city, each per annum.....	300.00
Fees.	51.	All persons, banking associations or brokers, or their agents, buying or attempting to buy fees of any officer or witness accruing in any of the courts of this city shall be taxed, each per annum	100.00
Ferries.	52.	Except those run by hand with oars, when landing in the City of Memphis, each per annum.....	50.00
Flying jennies.	53.	Flying jennies, each per month.....	*5.00
Florists.	54.	Each person, firm or corporation dealing in cut flowers, or agents for same, conducting the business of a florist, each per annum.....	*25.00
Fortune tellers.	55.	Each per annum (a)	50.00
Fruit stands.	56.	Each per annum (b)	20.00

* Chapter 593, Acts 1909.

(a) Revenue Act 1909 fixes license on Fortune Tellers, per annum \$10.

(b) Revenue Act 1909 fixes license on Fruit Stands, per annum \$5.

PRIVILEGE TAXES.

Provided, that this shall not apply to persons engaged in the mercantile business, paying an *ad valorem* merchant's or privilege tax as such, and who shall sell fruit as an incident thereto from the same established business place, when the *ad valorem* value of their stock of fruit does not exceed 20 per cent. of the value of their general stock of merchandise.

Brokers and
commission
business.

Futures.

57. Each and every person, firm, partnership or corporation doing a brokerage or commission business for cash or actual future delivery on the regularly organized exchanges of the country, or through any member of said exchanges, each per annum 500.00

Games.

58. Billiard tables, pool tables, bagatelle tables, tivol tables, Jenny Lind tables, tenpin alleys, roller coasters or shooting galleries or stands, each per annum 25.00

But this shall not apply to pool or billiard tables in private houses not used for profit, nor to tenpin alleys on private premises not used for profit and not open to the public, or associations for social purposes, or schools where no liquors or refreshments are sold.

All devices used by persons as a source of profit to themselves, such as throwing at wooden figures or any other object, throwing rings or any device of like nature, and striking an object to test the strength and blowing to test the lungs, each per annum..... 10.00

Gas
companies.

59. Gas companies in the City of Memphis, each per annum 700.00

PRIVILEGE TAXES.

Gun and locksmiths.	60. Gun and locksmiths in the City of Memphis, each per annum.....	10.00
Hotels and taverns.	61. For the privilege of keeping a hotel or tavern.... And 1 per cent. on the actual estimated rental value of the same. Said estimated rental value to be determined by the Legislative Council of the city. This shall not apply to boarding houses, small hotels or taverns having less than ten sleeping rooms.	*25.00
Hucksters.	62. Persons who, either at stalls or booths, or from wagons, sell butter, eggs, poultry, fruit or other produce from the farm, garden or orchard directly to the consumer, each per annum (a)....	20.00
Horse and wagon yards.	63. Each shed, yard or barn used for caring for horses, cattle or other animals or wagons, or other vehicles, for gain or other profit, each per annum	50.00
Ice.	64. This shall apply to each person, firm or corporation selling imported or home ice, and to each ice depot from which ice is delivered, each per annum	100.00
	This tax shall not apply to municipal corporations owning and operating ice works and plant.	
Intelligence offices and employment agencies.	65. Each office, per annum.....	10.00
Itinerants.	66. Every corporation, partnership or individual acting as itinerary, whether physician or not, either selling medicine or advertising their services, or both, by appearing on the streets or elsewhere, or making harangue for the purpose of advertising or selling as aforesaid, each per annum..	40.00

*Revenue Act 1909 fixes license, viz: For each room, excepting dining-rooms, kitchen and parlors, for which more than \$1 per day is charged, each room per annum \$0.75. For each room, excepting dining-rooms, kitchen and parlors, for which is charged \$1 or less, per day, per room per annum, \$0.50.

(a) Revenue Act 1909 fixes license on Hucksters, per annum \$5.

PRIVILEGE TAXES.

Junk and rag stores.	67.	Every keeper of a junk or rag store, each per annum (a)	100.00
		(This license does not include dealing in seed or lint cotton.)	
Job printers.	68.	Job printing offices, each per annum.....	25.00
Kodak and photographers' supplies.	69.	Each person, firm or corporation selling kodak or photographers' supplies, when principal business, each per annum.....	*30.00
Laundries.	70.	All persons, firms or corporations doing a public laundry business, each per annum.....	50.00
		This shall also apply to such laundries run by hotels for profit.	
		Agents for laundries located outside the city, for each laundry so represented in Memphis.....	10.00
Lightning rod dealers or agents.	71.	Each dealer or agent in the City of Memphis shall pay per annum	100.00
Lighting companies.	72.	(Other than electric light companies and gas companies.) Corporations, companies, firms, individuals or associations furnishing light for street or other purposes, or railroad or sleeping car companies in the City of Memphis, each per annum	100.00
Liquors—clubs.	73.	Every clubroom where liquors of any kind are kept, and taxed as other merchants, in addition, per annum ²	200.00
Beer gardens.	74.	Every keeper of a pleasure or beer garden wherein spirituous, vinous or malt liquors are sold by the drink, or are drunk upon the premises, and, in addition, taxed as other merchants, per annum ² .	200.00

* Chapter 593, Acts 1909.

² Acts of Tennessee, 1909. prohibits the manufacture or sale of liquors.

(a) Revenue Act, 1909, fixes license on "Junk Dealers" per annum \$25.00.

PRIVILEGE TAXES.

Wholesale liquor dealers.	75.	Liquor dealers, wholesale, and, in addition, taxed as other merchants, per annum ³	200.00
Retail liquor dealers in connection with restaurant.	76.	Liquor dealers, retail, doing exclusively a retail business, or when carried on in connection with a restaurant or hotel, and taxed as other merchants, per annum ³	200.00
Retail liquor dealers in connection with retail grocery.	77.	Upon the privilege of retailing spirituous, vinous, fermented or malt liquors, when carried on in connection with a retail grocery store, and, in addition, taxed as other merchants, per annum ³ ..	200.00
Wholesale malt liquors.	78.	Wholesale dealers in malt liquors, and, in addition, taxed as other merchants, per annum.....	200.00
Breweries or brewers' agents.	79.	Breweries located in this city, and also each agent of, or person selling on commission for breweries, or any dealer or his agent by whom beer is sold, when the same was purchased from or on account of breweries, shall pay, each per annum	200.00
Livery, sale and feed stables.	80.	Livery, sale and feed stables having twenty stalls or under	30.00
		For each additional stall until the number shall reach forty	1.00
		For each additional stall above forty.....	.50
Lumber dealers.	81.	Lumber dealers, who buy and sell lumber sawed, dealers in sawed logs and dealers in staves, must pay a privilege and <i>ad valorem</i> tax, as merchants; <i>provided</i> , that merchants who also deal in lumber shall pay only one privilege tax.	

³ Paragraphs 73 to 79, inclusive, passed August 8, 1907, as amended December, 1907.

PRIVILEGE TAXES.

Machines.	82.	Nickel-in-the-slot machines or nickel-in-the-slot music boxes or phonographs, or other machines or devices of like character (not run in violation of criminal law), each per annum	10.00
		Penny-in-the-slot machines, each per annum.....	2.50
		<i>Provided</i> , that this shall not apply to merchandise machines delivering merchandise and kept by dealers in their regular place of business, paying a privilege tax as merchant.	
Marble dealers.	83.	Each person, firm or corporation dealing in marble or marble monuments, or running a marble yard, each per annum ⁴	25.00
Messenger service.	84.	Each person, firm or corporation conducting a messenger service, each per annum ⁴	15.00
Manufacturers of patent medicine.	85.	Each person, firm or corporation engaged in the manufacture of patent medicine, using cologne, spirits in the manufacture or mixing of such medicines, having gross aggregate sales per annum amounting to—	
		More than \$5,000 and less than \$20,000, each ⁴	10.00
		More than \$20,000 and less than \$60,000.....	15.00
		More than \$60,000 and less than \$100,000.....	50.00
		More than \$100,000 and less than \$150,000.....	150.00
		More than \$150,000 and less than \$200,000.....	200.00
		More than \$200,000 and less than \$300,000.....	300.00
		More than \$300,000 and less than \$400,000.....	400.00
		More than \$400,000 and less than \$500,000.....	500.00
		More than \$500,000.....	1,000.00
Museums.		Museums (see Circuses, Menageries, etc.)	
Merchants.		Merchants (see paragraph 133) following.	

⁴ Chapter 593, Acts 1909.

PRIVILEGE TAXES.

Merchandise brokers.	86.	Agents or brokers in the sale, or sale and delivery of any article of manufactured goods, stationery, or any kind of merchandise, each, per annum....	50.00
Merchant tailors.	87.	Merchant tailors shall be taxed as other merchants.	
Omnibuses, hacks, etc.	88.	Every owner of omnibuses, hacks, carriages or other vehicles, seeking custom upon the streets, or visiting the railroad depots or steamboat land- ings, or other public places, for the purpose of procuring custom, for each vehicle drawn by two horses or other animal, per annum.....	10.00
		And for each vehicle drawn by three or more horses or other animals, per annum.....	15.00
Opera troupes.	89.	Opera troupes, museums, feats of agility, sleight-of- hand performances, exhibitions of curiosities in rooms or tents, exhibiting trick animal or ani- mals, etc.	
Museums, etc.		(See Circuses, Menageries, etc.)	
		Each day and night, or day or night, each.....	15.00
		Per week	30.00
		Per month	100.00
Parks—public.	90.	Public parks (when visitors are charged an admis- sion fee more than six times during the year, or more than ten cents at any time), each per annum	100.00
Pawnbrokers.	91.	Each per annum	150.00
		In addition they shall pay a tax as other merchants.	
Playing cards.	92.	Wholesale dealers, each per annum.....	20.00
		Retail dealers, each per annum	5.00
Parcel cars.	93.	Express or parcel cars, running on streets, rail- roads or dummy lines, each per annum.....	50.00

PRIVILEGE TAXES.

Peddlers.	94.	Buying or selling for profit, gifts, prizes or exemptions, or by the formation of purchasing clubs, or both, each per annum.....	20.00
Patent medicine peddlers.	95.	Each per quarter	10.00
		With horse and vehicle	50.00
		With music or other device, per quarter.....	100.00
		Peddlers of patent school apparatus, maps, charts and other articles, if on foot, each per annum..	150.00
		If with horse and vehicle, each per annum.....	300.00
		If with more than one horse, for each additional horse, per annum.....	100.00
		Peddlers of coal oil and gasoline, per annum	20.00
Wienerwurst, etc.	96.	For peddling wienerwurst (for each can), oysters, ice cream or other articles of prepared food, each per annum	25.00
Toy balloons.	97.	For peddling toy balloons or musical instruments, each per month.....	10.00
Dry goods, etc.	98.	For peddling dry goods, notions, wearing apparel, merchandise, goods, wood or coal, per annum..	20.00
Clothing	99.	For peddling suiting, clothes, etc., commonly known as "cloth peddlers," each per annum.....	20.00
Fruit or vegetables.	100.	For peddling tropical fruits or vegetables, unless raised by the vendor, each per annum.....	20.00
Meat.	101.	For peddling meat (all persons raising their own meat being privileged to sell not less than a quarter of beef, mutton or pork without license), each per annum	20.00
Photographers.	102.	All artists, photographers and other similar employments, each per annum	25.00

PRIVILEGE TAXES.

Plumbers and gas fitters. 103. Plumbers and gas fitters, each per annum..... 20.00

The above tax shall be paid by gas and water companies doing a plumber's business; *provided*, that plumbers and gas fitters paying this tax shall not be liable for a merchant's privilege tax.

Public balls, dances, picnics or barbecues. 104. Every person who shall, by permission of the mayor, give a public ball or dance, or other like entertainment, whereat spirituous, vinous or malt liquors are sold by glass, or are drunk on the premises, for each twenty-four hours, or for each ball or other entertainment not continuing longer than twenty-four hours..... 25.00

For each and every public picnic, dance, barbecue or other entertainment, held within the city limits, for the purpose of private gain, and not for any charitable purpose, there shall be paid to the Register of Licenses and Privileges the sum of two (\$2) dollars, and the Register shall issue a license therefor, but no license shall be issued until the Chief of Police has approved the same in writing.

105. The fund arising from the issuance of said license shall be devoted and expended by the Chief of Police for the relief of the poor and needy persons applying to the Police Department for assistance. And at the end of each month the fund aforesaid shall be turned over to the Chief of Police for the purpose aforesaid, who shall make a report of all expenditures. Any person holding or having any interest in any such public picnic, dance, barbecue or other entertainment for private gain, and not for any charitable purpose,

PRIVILEGE TAXES.

without first obtaining such permit from the Chief of Police and paying the Register of Licenses and Privileges for the license herein required, shall be guilty of a misdemeanor, and shall be fined not more than \$50.00, and not less than \$2.00 for each and every offense.

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|---|------|---|--------|
| Ranges and clocks. | 106. | Each firm or corporation selling or delivering ranges or clocks in the city, either in person or through agents or consignees, and all persons who engage in the business of delivering ranges or clocks, shall pay a privilege tax, each per annum 25.00 | 25.00 |
| | | <i>Provided</i> , that no privilege tax for selling ranges and clocks shall be required of any merchant, either acting as agent or carrying as a part of his stock ranges and clocks on which he has paid a merchant's privilege and <i>ad valorem</i> tax, and the same are sold at his established place of business. | |
| Real estate dealers and agents and land companies doing a real estate business. | 107. | Real estate dealers and agents and land companies doing a real estate business in the City of Memphis, each per annum..... 25.00 | 25.00 |
| | | Every person who solicits or endeavors to make sales or rent property, on commission or otherwise, shall be liable for the above tax, unless they are members of the real estate firms who have paid the tax and their name appears in the license. | |
| Railroad ticket brokers. | 108. | Brokers for railroad tickets, each per annum.... 50.00 | 50.00 |
| Railroad terminal companies. | 109. | Railroad terminal companies, each per annum.... 750.00 | 750.00 |

PRIVILEGE TAXES.

- Restaurants and cafes. 110. Same as hotels, on each room, in addition, as follows:
 Restaurants and cafes in the City of Memphis,
 each per annum 40.00
 This shall include all places where meals are served at tables.
- Does not authorize the sale of liquors. The license to keep a restaurant shall not authorize the sale or gift to guest of any spirituous, vinous or malt liquors, lager beer, ale, porter, cider or any light wines, nor tobacco nor cigars; and every person selling or giving away any of the said articles in or about his or her restaurant shall first obtain the license therefor as herein prescribed, in addition to their restaurant license.
- Sand, lime, sewer pipe or cement. 111. Each person, firm or corporation not taxed as merchants dealing in sewer pipe, sand, lime or cement, each per annum..... *20.00
- Sewing machine companies and dealers in. (In lieu of all other taxes, except merchant's privilege and *ad valorem* tax.)
112. Each company, firm or corporation selling sewing machines in this State through agents, and every wholesale or retail dealer in sewing machines in this State, either as local agents or as part of their merchandise stock, unless the manufacturer of such sewing machines so sold by such merchant has paid the tax thereby imposed, shall each pay to the Comptroller per annum.... *200.00
- Swimming pools. 113. Each person, firm or corporation operating swimming pools for profit..... *5.00

* Chapter 593, Acts of 1909.

PRIVILEGE TAXES.

Soda foun- tains.	114.	Soda fountains, each per annum.....	5.00
		Soda water factories, each per annum	25.00
Stock yards. Stock pens, etc.	115.	(This shall not apply to livery stables already pay- ing privilege taxes.)	
		Stock yards, stock pens, feed or sale stables hav- ing stock pens in connection with their busi- ness, shall pay a privilege tax of one (\$1.00) dollar per pen of four hundred square feet (in calculating the number of pens, the surface cov- ered by pens shall be considered, counting each four hundred feet as a pen.)	
Security deal- ers and loan agents.	116.	Security dealers and loan agents, each per annum.	50.00
		1. Shaving notes, accounts, judgments or evidence of indebtedness, including loans or mortgages, is hereby classed and held to be dealing in se- curities.	
		2. The business of loaning or advancing money on salaries, furniture or household goods, or other personal chattel, as a security, whether the security be by mortgage or sale, is hereby classed and held to be dealing in securities.	
		3. Dealers in securities, as heretofore declared, shall not apply to real estate dealers or mer- chandise brokers and agents paying a privilege tax as such.	
Street car companies and dummy railroads.	117.	Street car companies and dummy railroads in the City of Memphis, or adjacent thereto, each track, per mile per annum.....	10.00
		In addition, street car companies shall pay \$20.00 per annum on each car used by said company.	
		Provided, that any such company selling light to consumers for lighting, heating or power pur-	

PRIVILEGE TAXES.

poses, or which has been consolidated with an electric light company, and is so selling light or heat or power, shall, in addition to this tax, pay the tax herein assessed against electric light companies.

Skating rinks.	118.	Skating rinks, each per annum.....	30.00
Second-hand dealers.	119.	Dealers in second-hand articles shall pay privileges as other merchants.	
Steamboat and railroad agents.	120.	Steamboat agents and agents for railroad companies, other than the proper officers of the railroad terminating at the city, each per annum.... (A separate privilege tax shall be paid for each railroad represented.)	25.00
Theaters.	121.	Each per annum	200.00
		Dealers in theater tickets, each per annum.....	15.00
Transfer business for hire.	122.	(This shall apply to companies or individuals operating hacks, carriages or wagons for hauling freight or passengers, and not paying a livery, feed or sale stable license.) For each horse, per annum.....	1.00
Tarpaulins and skids.	123.	Each keeper of skids or tarpaulins for hire, per annum	60.00
Temporary sellers of goods.	124.	Every transient dealer or person who opens a store or place for the temporary sale of goods, wares, merchandise, shall be required to pay \$50.00 per annum, provided that this section shall not apply to persons selling by sample only, nor to producers, or any agricultural article or product offering or exposing the same for sale.	
Trading stamp companies, and merchants issuing trading stamps.	125.	Each trading stamp company or agency doing business by the sale or giving away of trading	

PRIVILEGE TAXES.

stamps or like devices in the City of Memphis
shall pay, per annum 500.00

All persons, firms, corporations, agents or mer-
chants engaged in business or dealing in mer-
chandise by or through the method known as
trading stamps or like devices shall pay, per
annum, a privilege tax of 250.00

Provided, that this tax shall not apply to any mer-
chant or manufacturer who shall issue and place
his own tickets, coupons, or other vouchers in or
with packages of goods sold or manufactured by
him, such tickets or coupons to be redeemed by
such merchant or manufacturer; nor to any mer-
chant who shall call or give out with such pack-
age, tickets, coupons, or vouchers issued and re-
deemable only by the manufacturer of the goods
sold.

Undertakers. 126. Each, per annum 50.00

Variety thea-
ters and
vaudeville 127. Each, per annum, payable quarterly 200.00
shows.

Vendors—pat- 128. Every person offering to sell or selling any patent
ent articles. article, per annum, \$50.00, payable quarterly in
advance; provided, that the inventor himself
shall pay no license tax for sales made by him-
self of his patent right or his patented article.

Vendors—fish 129. Every keeper of a fish or game store, for store, per
and game. annum, same as other merchants.

Warehouses 130. Warehouses and elevators, each, per annum 50.00
and elevators.

Warehouses, 131. Warehouses or warerooms in the City of Memphis,
etc. each, per annum 25.00

Water com- 132. Each, per annum 800.00
panies.

PRIVILEGE TAXES.

Merchants' privileges.	133. Merchants, each, per annum 10.00
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Sec. 367. There is hereby assessed on all privileges not herein specially enumerated the tax equal to the tax assessed for state purposes, the same to be collected as other privileges are collected, but in no event shall less than \$10.00 be charged as privilege tax.

License transferred—how.

Sec. 368. That any and all licenses issued shall be for the sole and exclusive benefit of the party in whose name and for whose benefit such license shall be issued, and shall not be transferable by the owner or holder thereof to any person whatever, under any pretense whatever, until the owner of such license shall apply to the city tax receiver to transfer the same, which transfer shall be made by the Register of the city; *provided*, that the owner of the same first pays all taxes he may owe to the city on account of the business carried on, for which said license is issued, whether such taxes are due on capital invested, goods on hand or otherwise, from the date of such license up to the time said transfer is made. The fee of the transfer shall be \$2.00 in such case, for the use of the said city.

Separate license for each business.

Sec. 369. That no license which may be issued shall embrace or authorize more than one business, pursuit or avocation, and all persons desiring to pursue or carry on more than one pursuit or avocation shall take out a separate and distinct license for each pursuit, and pay the full tax required by law for each one, when called upon by a public officer, exhibit the same to him, and on failure to do so, shall be fined in a sum not less than \$5.00 nor more than \$25.00.

Violation.

Sec. 370. That any person, firm or corporation carrying on a business without first having obtained and paid for the license herein provided, shall be guilty of a misdemeanor, and shall be

RENTALS FOR CITY PROPERTY.

subject to a fine of not less than \$1 nor more than \$50 for each offense, and each day's violation of the ordinance shall constitute a separate offense.

Sec. 371. Hereafter every person, firm or corporation doing a Pole rental. telegraph, postal telegraph, or telephone business in the City of Memphis, and occupying the streets, alleys or public grounds of or within the limits of the City of Memphis with telegraph poles and wires, shall, as a condition to such further occupancy, pay to the city annually a rental in the sum of three dollars (\$3.00) for each of said poles, and this rental shall be paid upon all poles now erected as well as those hereafter erected.

Sec. 372. The license to occupy the streets, alleys or public grounds with such poles and wires shall be and the same is hereby revoked as to any person, firm or corporation that shall fail or neglect for twenty (20) days after the passage of this ordinance to pay the said sum of \$3 per pole for the current year of 1902.^{1*}

RENTALS FOR CITY PROPERTY.

Chickasaw Cooperage Co.

Lease dated Oct. 17, 1900; expires Oct. 17, 1910.

Rental \$355.87 per year, payable \$88.97 quarterly. \$ 355.87

Assignees Williams & Co. lease, dated April 14,

1899, 10 years; annual rental of \$572.04, payable

monthly or quarterly; expires Oct. 17, 1910 572.04

C. R. I. & P. R. R.

Lessee Choctaw & Memphis R. R. Lease of prop-

erty on river front. Rent per annum, \$1,000 and

\$1,500, respectively 2,500.00

¹ Sections 371-372 passed February 25, 1902. Balance of ordinance passed December 19, 1907, except as otherwise noted.

* A city's claim for privilege taxes is subject to the bar of six years prescribed by Acts of 1885, Chapter 24, for all taxes, but not to the bar of three years prescribed by the General Revenue Act of 1895, Chapter 5, for State and county taxes. 167 U. S. 371, 17 Pick. 155.

RENTALS FOR CITY PROPERTY.

Cook Brewing Co.

Lease of lot corner Tennessee and Talbot streets.
 \$1,000 per annum, payable quarterly. Expires
 January 16, 1914. (Payable to Water Depart-
 ment) 1,000.00

Cumberland Tel. and Tel. Co.

Pole rental of \$3 on all poles used by it; contract
 dated September 10, 1903, to run for twenty-five
 years.

Other Pole-using Companies.

Pole rental of \$3 on all poles.

Louisville & Nashville Railroad Co.

Lease of north half of Auction Square. Expires
 October 1, 1937; annual rental 750.00

Pittsburg Coal Co.

Rent of Astor Park, per annum 365.00
 Rent of Lot s. s. Beale street, between Tennessee
 and Clinton streets, per annum 75.00

Illinois Central Railroad Co.

Rent of property on river front. Expires May, 1,
 1986; annual rental 1,000.00

Pidgeon, J. C.

Rent per annum 25.00

Reed & Deucher.

Rent second floor Exchange building, \$10 per
 month; per annum 120.00

Shea, Dan.

Sixty feet west side of Front street. Expires
 December 1, 1915; payable \$20 per month; an-
 nual rental of 240.00

PLUMBERS, EXAMINATION AND LICENSING.

Strong & Jones.

Rent of property corner South Third and Gayoso,
\$50 quarterly. Expires November 15, 1919; evi-
denced by notes; per annum 200.00

ARTICLE 21.

PLUMBERS.

Sec. 374. No person, firm or corporation engaged in or work-
ing at the business of plumbing shall engage in or work at said
business in the City of Memphis, either as master employer or
journeyman plumber, unless such person, firm or corporation
first receive a license therefor, in accordance with the provisions
of this ordinance. License re-
quired.

Sec. 375. Any person desiring to engage in or work at the
business of plumbing, either as master employer or journeyman
plumber, in the City of Memphis, shall be required to submit
to an examination before a Board of Examiners, as hereinafter
provided, as to his experience and qualifications in such trade,
business or calling. Examination
for license.

In the case of a firm or corporation engaged in the business
of plumbing, the manager or superintendent of such firm shall
be examined and licensed, as well as the journeyman plumbers
employed.

Sec. 376. There is hereby established a Board of Examiners.
Such board shall consist of four members, namely, the President
of the Board of Health, a master or employer plumber of not less
than ten years' experience as a practical journeyman, a journey-
man plumber of the like experience, and the City Plumbing
Inspector. Board of Ex-
aminers—
members and
term of office.

The term of office for the master or employing plumber shall
be two years, and for the journeyman one year. The Mayor
shall appoint the master and journeyman plumber and their suc-

PLUMBERS, EXAMINATION AND LICENSING.

cessors. Three members of the board shall have the power to act. All the members of the board shall subscribe to an oath before the Mayor to discharge their duties impartially to the best of their ability, without fear or favor.

Organization
of Board.

Sec. 377. Said Board of Examiners shall, as soon as may be after their appointment, meet and organize by the selection of a Chairman, and the Inspector of Plumbing shall be their Secretary, who shall designate the time and place for the examination of all applicants desiring to engage in or work at the business of plumbing in this city.

Meetings.

Meetings of the Plumbing Board shall not be held oftener than once a month, and not then unless necessary, and only upon the approval of the Secretary of the Plumbing Board.

All plumbers
to be exam-
ined within 90
days from
passage of or-
dinance—re-
quirements,
etc.

All persons, firms or corporations engaged in the plumbing business must be examined and licensed within ninety days after the passage of this ordinance. Said Board of Examiners shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied as to the competency of the applicant, shall issue a certificate to that effect. Said certificate shall be signed by the Secretary, who shall keep a record of same, and the same shall be valid until revoked by the board.

Compensa-
tion of mem-
bers.

There shall be no compensation for the services of the President of the Board of Health and Plumbing Inspector as members of said board, other than that now received under existing laws and ordinances; and the master and journeyman plumber shall receive for each meeting attended \$5.

Penalty for
violation.

Sec. 378. Any person, firm or corporation which shall engage in the plumbing business without having been examined and licensed, or which shall violate any of the provisions of this ordinance, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$1 nor more than \$50 for each and

MASTER PLUMBERS, BOND, CERTIFICATE, ETC.

every offense, and each day's violation shall constitute a separate offense.

Sec. 379. In order to defray the expenses of the Board of Examiners, every master plumber is required to pay for his examination and certificate \$5, and each journeyman plumber \$1.50. These fees shall be paid to the City Plumbing Inspector, and by him turned over to the County Trustee.

Fees to be paid by applicants for examination.

Nothing in this ordinance shall be construed as to relieve any master plumber from giving bond as now required by the ordinances of the city.

Sec. 380. If any person, firm or corporation shall violate the plumbing ordinances of the city, the Board of Examiners shall have the power to revoke the certificate of such person, firm or corporation.¹

License revoked for violation of plumbing ordinances.

Sec. 381. Before any person, firm or corporation shall engage in the business of plumbing in the City of Memphis the name, residence and place of business of such person, firm or corporation shall be registered in a book kept for that purpose by the Secretary of the Board of Examiners, established by the ordinance passed July 5, 1900, and every removal of place of business or change in any firm engaged in plumbing shall be promptly entered upon such register.

Registration.

Sec. 382. Every master plumber doing business in the City of Memphis shall give a bond in the penalty of \$500, with a surety company, or two good sureties owning unincumbered real estate in the City of Memphis; said bond shall be payable to the City of Memphis, for the use of the city, and any citizen who may be damaged by the failure of such master plumber to comply strictly with the plumbing ordinances of the city, or who may be damaged by any negligence committed or imperfect

Bond.

¹ Sections 374 to 380 passed July 5, 1900.

MASTER PLUMBERS, BOND, CERTIFICATE, ETC.

work done by such master plumber; and said bond shall be so conditioned as to require said master plumber to comply with all the laws and regulations of the city relating to plumbing, house drainage and excavation, and conditioned so as to require such master plumber to employ no journeyman plumber unless he has a certificate from the Board of Examiners, and in said bond said master plumber shall indemnify and hold harmless the City of Memphis and all persons from damages caused by the negligence or inadequate work done by them or their employes.

Said bond and certificate shall be renewed once a year, and shall expire on December 31 after their issuance, and if the security should become impaired before the expiration of any bond the secretary of the Board of Examiners shall require a new bond to be given immediately.

Certificate to
be exhibited
at place of
business.

Sec. 383. It shall be the duty of every registered plumber to display his certificate of registration at his place of business in a conspicuous manner, and it shall be unlawful for any person, firm or corporation not so registered, or whose certificate of competency has been suspended, or canceled, to exhibit the sign herein described, or in any way to represent himself to be registered and authorized to do plumbing. No person, firm or corporation not so registered, or whose certificate has been suspended or canceled, shall be given a permit to carry on the business of plumbing, or to do any work upon plumbing, or house drainage.

Names of
workmen to
be furnished.

Registered master plumbers shall furnish, when required, the full names of the workmen employed by them.

Privilege tax
repealed.

The ordinance requiring master plumbers to pay a privilege tax of \$25 per annum is hereby repealed.¹

¹ Passed July 11, 1901.

SEWER OR DRAIN LAYER, ETC.

Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor, and shall be fined not less than \$2 and not more than \$50.² Penalty for violation.

Sec. 384. There is hereby created a sewer or drain layer license, and every applicant for such a license shall qualify before the Board of Plumber Examiners as to his competency in such business, work or calling. Sewer or drain layer license.

Sec. 385. *Be it further ordained*, That the holder of a sewer or drain layer license shall be authorized to lay, clean out or repair sewer, drain or water pipes, including connections with the public sewers, laid beneath the surface, and to a point five feet outside of the foundation walls of any building, and for such other work as the Board of Plumber Examiners may deem the holder of the said drain layer's license competent to execute; *provided*, the holder of such a license shall not do any work inside any house. Authority of.

Sec. 386. Nothing in this ordinance shall interfere with or prohibit any master or journeyman plumber from carrying out the provisions of this ordinance who has a certificate as master or journeyman plumber from the Board of Plumber Examiners. Plumbers' license includes.

Sec. 387. All persons carrying on the business of drain or sewer layer shall be required to give the same bond as now given by master plumbers, to hold him firmly bound unto the City of Memphis for the faithful performance of all work as a drain or sewer layer; and each license shall be renewed once a year, and every certificate shall expire on December 31, after issuance. Bond required.

Sec. 388. In order to defray the expenses of the Board of Plumber Examiners every sewer or drain layer shall be re- Expenses of license.

² Sections 381 to 383 passed July 10, 1902.

PLUMBING REGULATIONS.

quired to pay for his examination and certificate \$5. This fee shall be paid to the City Plumbing Inspector, and be by him turned over to the tax receiver of the City of Memphis.

Misleading
sign.

Sec. 389. It shall be unlawful for any person, firm or corporation to exhibit any sign, or in any way represent themselves to be other than that which he or they have been licensed to do by the Board of Plumber Examiners.

Violation.

Sec. 390. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and shall be subject to a fine of not less than \$1 nor more than \$50, for each and every offense, and each day's violation shall constitute a separate offense.

Violation.

Sec. 391. If any person, firm or corporation shall in any way violate this ordinance, the Board of Plumber Examiners shall have the power to revoke the license issued to any such person, firm or corporation.¹

ARTICLE 22.

PLUMBING ORDINANCE.

(Passed Aug. 22, 1901.)

All plumbing work within the city shall be done and maintained under the following rules and regulations, viz.:

Plans to be
filed.

Sec. 392. Before the construction, reconstruction, alteration or repairs (except as hereinafter provided) of any portion of the plumbing and drainage system of any building, suitable plans of all work proposed to be done shall be filed at the office of the Plumbing Inspector by the contracting plumber, architect, or by the owner or agent of the property.

How drawn.

Sec. 393. All plumbing plans and sections shall show clearly the location of every pipe, fixture and trap, and the ventilation of room in which plumbing fixtures are to be placed.

¹ Sections 384 to 391 passed July 10, 1902.

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Sec. 394. Plans will not be required in case of removal of stoppage, repairs of leaks and repairs of broken fixtures, tanks, kitchen boilers or faucets, but notice of such must be filed at the office of Plumbing Inspector for permit. When not required.

Sec. 395. When a number of buildings are situated together or apart on one lot, and the plumbing is the same in each and to be done under the same contract, one plan will be permitted for all the buildings. In such a case a general plan must be submitted, showing all the houses, and the location of the six-inch main drain, together with the four-inch branch for each house not less than ten feet. One plan for several buildings permitted.

Sec. 396. Each and every building must be separately connected with the city public sewers, and its connection and house sewer line must in all cases be put on the same lot as building is situated on. Separate connections.

Sec. 397. Every plan must be accompanied by a clear written description thereof, or an abstract of the specifications on the blank supplied by the office of Plumbing Inspector for this purpose. Specifications.

Sec. 398. Plans and specifications will be approved or rejected within a reasonable time from date of filing. In case of disapproval, the one filing the plans will be notified in writing of the reason for such disapproval. Approval or rejection of plans.

Sec. 399. No portion of the plumbing or drainage work shall be executed until the above-mentioned plans and description thereof shall have been approved by the Plumbing Inspector. Work to begin—when.

Sec. 400. If the work is not begun under the approved plans within three months from the date of approval, such plan must be again presented for approval. Plans are approved under the condition that such approval expires by its own limitations within three months from the date of approval. And when one Expiration of approval.

PLUMBING REGULATIONS.

plan has been submitted for more than one building, this rule shall apply as to each of said buildings as if said plan had been filed for such building only.

Change in
plans.

Sec. 401. No change or modification of the approved plans will be permitted unless such change or modification be authorized by the owner or agent, submitted to the Plumbing Inspector and approved and placed on file as in the case of original work.

Inspector to
be notified
when work
is ready.

Sec. 402. The Plumbing Inspector must be notified when the work is begun, and when any work is ready for inspection all work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for any inspection until the work is entirely ready for thorough inspection. In case of any violation of this regulation the approval of such plans may be at once revoked by the Plumbing Inspector, and upon notice of such revocation being given all work under said plans must cease.

Time of
inspection.

Sec. 403. The Plumbing Inspector will examine the work within two working days after notice that it is ready for inspection has been received.

Water or air
test.

Sec. 404. Plumbing work must be tested by water from the end of pipe to its termination above roof, or ten pounds air test in the presence of the Plumbing Inspector. Such test should include all drain soil and waste pipes, the lead branches, taps and ferrule joints. If the drain or any part of the system is to be tested separately, then there must be a special provision made for that, including all joints and connections in at least one test. The use of wooden plug for test is prohibited.

Final test.

Sec. 405. When the work is completed a final inspection must be made by the plumber in the presence of the Plumbing Inspector by smoke machine, the plumber making all necessary preparation for such test. No plumbing work shall be used

PLUMBING REGULATIONS.

until this inspection has been made and a certificate that the work has been approved.

Sec. 406. The term plumbing in these rules and regulations shall be construed to mean water, waste, soil, sewerage, piping.

Definition.

407. House sewer pipe in yards shall be of the best quality vitrified pipe, with good bells to insure tight joints, with the following restriction: They shall not be laid closer than four feet to any exterior wall, cellar, basement, well or cistern, or less than one foot and six inches below the surface, or when the sewer passes through roadway or drive, then the pipe must be two feet deep, nor will it be allowed in bad or made ground, and in all other cases sewers beneath the ground must be of cast-iron pipe. The use of stone pipe is prohibited under any house.

Material of house sewer under ground.

Sec. 408. When practicable drain pipes within the building shall be supported by substantial brick piers, or properly secured to walls or suspended to floor timbers by strong iron hangers. When drains are necessarily laid below the floor, brass clean-out must be inserted every thirty feet apart, and on the ends and angles, and if the floor is granolith, cement or any other floor other than natural earth, then the brass clean-out must come up to the surface of the floor, so as to be easily accessible for repairs and cleaning out.

House drains.—how supported.

Sec. 409. No old house sewer, soil, drain, waste or vent pipe now in use shall be allowed in reconstruction unless it will stand the Plumbing Inspector's test, as provided in Sections 404 and 405, and when there is a stone pipe under a house, if in the judgment of the Plumbing Inspector it is not sanitary and safe for the public health, then it is to be condemned and taken out and replaced with iron, as provided.

Old house sewers to be inspected.

Sec. 410. There must be a suitable brass clean-out at the foot of each line of soil, and at each angle, and in horizontal

Brass clearing branch.

PLUMBING REGULATIONS.

lines not more than thirty feet apart. There must also be a clean-out at foot and at each angle of sink or other fixtures, waste pipe, and on horizontal line thirty feet apart, and must be kept easily accessible when under floor, as provided in Section 408.

Rain water
leaders.

Sec. 411. Rain water leaders must never be used as a soil or waste pipe, nor shall any soil, waste or vent pipe be used as a leader, where the leader is within the house. It must be cast-iron, with lead joints, or of wrought-iron pipe with screw joints. When outside the house, if of sheet metal, to within five feet of the ground, and from there under the surface of the ground to street or alley, it can be vitrified stone and iron pipe, to be accepted and approved by the Inspector.

Yard and
area drains.

Sec. 412. Yard areas and open-light courts must always be properly graded cement, flagged or well-paved, and properly drained to street or alley.

Cast iron pipe
and fitting.

Sec. 413. All cast-iron pipe and fitting must be sound and free from crack, sand holes and other defects, and of a uniform thickness, coal tar-coated, known in commerce as standard, in buildings that are four story and fifty feet in height, and when the buildings are more than four stories and fifty feet in height, then the pipe and fittings must be what is known in commerce as extra heavy, but the top floor can be standard, properly divided, as this rule has provided.

Table of
weights.

Standard:

Two-inch, $2\frac{1}{2}$ pounds per lineal foot.

Three-inch, $4\frac{1}{2}$ pounds per lineal foot.

Four-inch, $6\frac{1}{2}$ pounds per lineal foot.

Five-inch, 8 pounds per lineal foot.

Six-inch, 10 pounds per lineal foot.

Extra heavy:

Two-inch, $5\frac{1}{2}$ pounds per lineal foot.

Three-inch, $9\frac{1}{2}$ pounds per lineal foot.

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Four-inch, 13 pounds per lineal foot.

Five-inch, 17 pounds per lineal foot.

Six-inch, 20 pounds per lineal foot.

Sec. 414. When twenty or more water closets discharge into a vertical line of soil pipe, said pipe must not be less than five inches in diameter. In all other cases the soil pipe must be four inches in diameter. Size of soil pipe.

Sec. 415. The size of waste pipe must be as follows: Those receiving the discharge from eight fixtures shall be three inches in diameter; those to receive the discharge from three to seven fixtures shall be two inches in diameter, and those to receive the discharge from less than three fixtures shall be not less than one and one-half inches in diameter, and no iron pipe shall be used for a waste pipe that is smaller than two inches in diameter. Size of water pipe.

Sec. 416. Joints in vitrified pipe shall be made with pure cement properly proportioned with clean, sharp sand. Joints in cast-iron pipe shall be made with pure lead, well caulked, and no paint, varnish or putty will be allowed until the joints have been tested. Joints in galvanized, wrought iron or steel pipe shall be screw joints. Joints in lead pipe shall in all cases be a full wipe or over-cast joints. Joints between lead and iron pipes shall be made by extra heavy cast or preferably drawn brass screw nipple, or with such caulking ferrules of the full size of the iron pipe thickness of all brass thimbles or ferrules, shall be at least the standard weights. Joints in pipe.

Sec. 417. The size of the vent pipe, except for water closet and slop hopper sinks, shall not be less than that of the trap which it serves. A pipe not exceeding twenty-five feet in length, which ventilates the trap of water closet, shall be two inches in diameter; if it ventilates more than four closets it shall have a Vent. pipes.

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diameter of three inches. If the length of the vent pipe exceeds twenty-five feet, the above diameter shall be increased one size at each connection, and not more than four traps shall be vented into one two-inch pipe, and not more than six trap vents shall connect to main soil pipe unless it be increased one size in diameter at connection; and vent pipes that are more than five feet in length must return at the bottom to main line of soil pipe, with Y connection.

Change in
direction.

Sec. 418. All house, sewer, drain, soil, waste and vent pipes must be as direct and straight as possible. Change in direction must be made with Y's or half Y's. Branch or one-eighth bend offsets shall be made with 45 (forty-five) degrees bends, or similar fitting. The use of sanitary Tee Y's will be permitted on upright lines.

Termination
of pipes at
roof.

Sec. 419. All soil, waste or vent pipes shall be carried, undiminished in size, to a height at least one foot above the roof, except in the case of roof of tenement-houses or roofs used for drying or other purposes, in which case they shall extend seven feet above the roof and be suitably braced. Such pipe shall terminate at a point approved by the Plumbing Inspector. Pipes on extension roofs, or when within twenty feet from any window, shall be carried up and continued above the main roof. There shall be no cap cowl ventilator, or return bends, put on the end of the pipes above roof, and the mouth of all such pipes on the roof shall be kept wide open. Open iron, brass or copper wire baskets will be permitted in the mouth of the pipe to keep out obstruction. Vent pipes may be carried above the roof in the same manner as soil and waste pipe, or they may be connected with soil or waste pipe five feet above the highest fixtures. And in all cases where the main soil or waste pipe is less than four inches in diameter, it shall be increased to four inches, not less than one foot below the roof.

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Sec. 420. In no case shall the waste from a bath tub, basin, sink or other fixture be connected with a water-closet trap. Waste from fixtures—how connected.

Sec. 421. The waste pipe of each and every sink, basin, bath tub, water-closet, urinal and each set of traps or other fixtures (except laundry tub, three parts combined), must be separately and effectively trapped. The trap is to be as near as practicable to the fixture it serves, and not more than fourteen inches to its water seal. No fixture shall be set on interior of house unless supplied with sufficient water to properly flush it. Waste pipes and their traps.

Sec. 422. Trap and waste pipe shall be of the following size: Size of traps and branch waste pipes.

For basin and pantry sink shall be $1\frac{1}{4}$ inches.

For slop hopper sink shall be 3 inches.

For kitchen sink shall be $1\frac{1}{2}$ or 2 inches.

For bath tub shall be $1\frac{1}{2}$ or 2 inches.

For urinal shall be $1\frac{1}{2}$ or 2 inches.

For water-closet shall be 4 inches.

Sec. 423. All lead pipes, bends and traps must be drawn and of not less than the following weights per lineal foot:

$1\frac{1}{4}$ -inch must be $2\frac{1}{2}$ pounds.

$1\frac{1}{2}$ inches must be $3\frac{1}{2}$ pounds.

2-inch must be 4 pounds.

3-inch must be $4\frac{3}{4}$ pounds.

4-inch must be 5 pounds.

Sec. 424. If found necessary, and when there is danger from overflow in any building, and in all public buildings or factories or hotels, and in large boarding or tenement houses, the floors and walls, at least two feet high, must be paved or lined with some non-absorbent material, such as stone, granolith, cement, finished smooth, or of slate or marble. The waste-pipe, if any, must be separately run to some open sight sink, or some other point satisfactory to the Plumbing Inspector. Safe waste, or floor drains.

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Ice boxes, bar
fixtures, safe
wastes, floor
drains, soda
fountains.

Sec. 425. No waste-pipe from a refrigerator, ice box, bar fixtures, safe waste, floor drains and soda fountains, or any other receptacle where food is stored, shall connect directly with any sewer drain, soil or other waste pipe. The waste pipe must in all cases empty into an open sink that is properly connected, trapped and vented, the same as other fixtures. The waste pipes shall not be less than 1½ inches for one opening, and for two to six openings it must not be less than 2 inches, and must have at each opening traps (acceptable to Inspector), and must have clean output on line and angles, so as to clear pipe, so arranged as to be properly flushed. This rule does not apply to any other fixture, nor will any other be allowed this connection.

Pipes opening
in floors and
ceilings.

Sec. 426. Whenever pipes pass through floors, the openings in both floor and ceiling shall be tightly closed to prevent the passage of air currents from one story to another, or from the pipes into ceiling space in a horizontal direction, or any other direction.

Water closet
and slop sink
to be pro-
vided.

Sec. 427. All buildings that are located on a street or alley in which a public sewer exists must be provided with water closets and sinks, and their number and location will be determined by the Plumbing Inspector.

Certain water
closets and
traps prohib-
ited.

Sec. 428. Privy sink pan closets and all water closets having any mechanism in connection with their traps and bowl forming a mechanical seal are prohibited, and the hand hold traps, or any other traps that depend for their seal on any mechanical arrangement are prohibited.

Water closet
floor flanges.

Sec. 429. Earthen or iron water closets that have trap above the floor, using lead connection, must have a cast brass flange not less than one-eighth inch thick, soldered to the lead, bolted to the trap of closet, the joint being made perfectly air-tight.

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Sec. 430. The inclosing of water closet or other fixtures with wooden casing will not be permitted, nor wooden laundry tub or other wooden sink will be allowed.

Inclosing of closet with wood casing prohibited.

Sec. 431. Water closets or urinals, unless they be properly local vented, must never be placed in an unventilated room or compartment, and in the interior of a residence or dwelling house, where the door opens other than into a hall. A long flushing rim hopper and wash-out closet and Philadelphia hoppers are prohibited; must be syphon jet closet or its equal; and in the interior of all houses there must always be a window with movable sash to the outer air, not less area than $2\frac{1}{2} \times 6$ feet.

Closets to be properly ventilated.

Sec. 432. Water closets which are located away from the buildings may be arranged so as to receive the water supply directly from the main, but they must be so arranged as to be conveniently and adequately flushed and effectively prohibited from freezing.

Closets in yards.

Water closets when located on open porches or landings must be tank closets. If, however, the Plumbing Inspector deems the tank closet impracticable, then the hopper closet may be substituted.¹

Closets opening on porches, etc.

Floor must be set on cedar posts, or brick foundation. The valve or other anti-freezing arrangement must be in the ground, incased in iron, or stone box or pipe, so as to be accessible for repairs. Size of house to be not less than $3 \times 4 \times 7$ feet high; floor to be set six inches above ground surface.²

Water closets in yard—construction.

Sec. 433. Grade of all sewer, soil and waste pipe shall be not less than two feet in a hundred. Vent or back air pipes must have a sufficient fall to prevent stoppage.

Grade of pipe.

¹ The provision "water closet when located on open porches," etc., amendment July 10, 1902.

² Paragraph 3 of Section 432 passed July 10, 1902.

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Grease traps. Sec. 434. In all cases where a building is used as a hotel, factory, tenement, boarding-house, restaurant or place where large amount of cooking is done, all sinks must be provided with a properly constructed grease trap, through which all slop of a greasy nature shall be drained, and the Plumbing Inspector has authority, and is hereby authorized and directed to compel any person, firm or corporation to provide and use a grease trap as aforesaid, whenever in his judgment the same is necessary. All grease traps to be of metallic construction, to prevent their destruction, such as brass, copper or cast iron, enameled inside.

Steam to be
excluded from
house sewer
direct.

Sec. 435. No steam exhaust, blow-off or drip pipe shall connect directly with the house sewer drain, soil waste or vent pipe (except as herein provided). Steam shall be discharged into a blow-off or condensing tank, sufficiently large to reduce, terminating before entering sewer, and trapped and vented as other fixtures, and where there is danger of back water from any sewer there must be placed on its outlet side a sewer or back water valve.

Elevator—
how con-
nected.

Sec. 436. The discharge of water-elevator must first enter drum of equal size of elevator cylinder, so as to discharge to sewer, drain, soil or waste pipe without pressure, and trapped and vented as other fixtures, and where there is danger of back water from any sewer there must be placed on its outlet side a sewer or back water valve.

All traps to be
revented.

Sec. 437. All traps and bends to closets and other fixtures must be reverted or back-aired (except as herein provided); yard closets and yard sinks will not require vent pipes, *provided* that they are not more than seven feet off main line, and *provided, however*, that main line is extended to roof of main building; in all other cases yard closets and sinks must be vented, but two water closets and two sinks may be placed on one 4-inch sewer and vent, *provided, however*, that they are in the same yard and

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same owner. The term yard closet and sink means a water closet and sink not attached to the house, and that they will not be nor can there be any other fixtures added, and in the interior of the house a revent or back-air pipe will not be required, *provided, however*, that the trap to fixture does not set more than eighteen (18) inches from center to center, off the vertical or horizontal line of drain, soil or waste pipe, and *provided* that there will not be any other fixture added, above or below or in horizontal line and the soil, or waste pipe is extended up and through roof.

If sanitary T's or Y's, or other connections are used, then the side opening or other connection, trap or fixtures, must be revented, as it will be considered more than one fixture on line, as rule provides.¹

Traps—how
vented.

Sec. 438. Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor, and shall be fined not less than \$2 nor more than \$50 for each offense, and each day's violation shall constitute a separate offense.¹

Violation

Sec. 439. Yard sinks, if of cement, must have solid timber, two and one-half by twelve inches, and shall be at least two feet square, with broken stone or brick, thoroughly mixed with sand and cement, finished off smooth on top.

Yard sink.

Sec. 440. Catch basin or buggy washstand must be a heavy vitrified or stone pipe, at least two feet in diameter, with a heavy iron cover perforated with holes, properly trapped, and all the connections must be of cast-iron pipe, and when there is danger from overflow or back water from public or private sewer, they must be provided with back water or sewer valve. In public or large stables, where necessary, there must be another basin built by the city, to be paid for by the owner or

Catch basin
or buggy
washstand.

¹ The words "eighteen inches" in Section 437, also the second paragraph and Section 438, passed July 10, 1902.

PLUMBING REGULATIONS.

occupant, to prevent mud and sawdust from entering public sewer. (This second basin will be located by the Inspector).

Supervision. Sec. 441. All plumbing in progress of construction, alteration or repair shall be under the supervision of the Chief Plumbing Inspector, who shall be empowered to stop further work when he shall decide that it is being done contrary to these rules:

Miscellaneous. 1. When lead or iron pipe that is necessarily connected with vitrified pipe or fitting, or when any pipe or fitting is connected that is not of an equal size, there must be a reducer or an increaser used to insure proper joining.

2. No vitrified stone or iron water pipe will be allowed under any yard closet.

3. Each main line of waste pipe must have a separate opening into main, soil or waste pipe.

4. All lead waste pipe or other lead pipe, when necessary and practicable, must be flanged to wall or floor and wipe solder, so as to hold it permanently and solid in place. Lead waste pipe, when over two feet long, must always be tack-soldered to the pipe or in some other practical way supported.

5. All water closets (except yard closets) must have a sure flush tank that will flush not less than five gallons at each flushing.

6. No cup or wipe cup joint will be allowed on the sewer side of the trap.

7. Double hub or single hub sleeves and saddles are prohibited.

8. Where waste pipe connects with a lead bend, the connection must be made with a wipe Y joint, and connections must not be made with the heel of bend.

9. All T joints are prohibited in waste.

10. When a six-inch line of sewer pipe is necessarily laid through property, it must continue through so as to have opening on lot it is intended for.

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11. No water pipes will be allowed in any sewer ditch—must be benched well to one side of ditch.
12. A hot air or chimney flue cannot be used as a vent, nor can a vent, soil or waste pipe be run into a hot air flue or chimney.
13. In no case can any obstruction be put on any main line of sewer, soil or waste pipe; it must be free from connection at public sewer to its termination at roof.
14. In all tenement or boarding-houses on each floor there must be at least two water closets, and slop sink for every fifteen persons, or for every four families, and when there is more than fifteen persons or four families, then there must be additional water closets put in for each family.
15. All soil and waste pipes must be put on the inside of house if practicable, and all soil, waste or vent pipes that are necessarily run up on the outside must always come through the wall at least one story above ground floor, and never less than ten feet above the ground surface.
16. Latrine or range closet will be allowed to be used only on permission of the Plumbing Inspector.
17. Before testing all pipe must be set in place, all hangers put up and properly fastened, and when practicable all traps must be set in place.
18. The temple vent or other fitting of like make are to be used for re-vent or back airing pipes.
19. All old work as may be required by the Inspector must be tested.
20. The Plumbing Inspector shall, if necessary, examine the premises before a permit is granted.
21. A set of three parts (combined) laundry tubs will be considered as one fixture, and can be so connected.
22. Galvanized or rustless wrought-iron pipe can be used as re-vent or back-air pipe only.

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23. All exposed trap and accessible traps, except water closet traps, must have brass trap screw for cleaning trap.

24. All sewer ditches must be straight, properly graded, with bell hole cut out.

25. No water closet or other fixtures allowed in cellar or basement where there is danger of overflow from the public sewer.

26. It is prohibited to rest a cast-iron soil or waste pipe on a vitrified pipe or fitting, and yard closet must have at least two feet of cast-iron pipe at the foot of vent or soil pipe for rest.

27. In all buildings when over one story high there must be opening left in soil and vent pipes on each additional floor for future use.

28. All kitchen or other sinks must be placed in or near the kitchen, and not more than twenty-five feet from the house.

29. All water closets must have not less than twelve square feet of floor space.

30. All lead pipe bend and traps must be drift out and made smooth and uniform in size.

31. Yard closets must have not less than ten feet of four-inch iron vent pipe.

32. In repairing and cleaning out of sewer it must be replaced where broken or damaged with sound pipe and fittings, and inspected.

33. All traps must be well supported and set true with respect to their water seal.

34. No rain, storm, surface or sipe water allowed in private or public sewer, except by special permit.

35. No rubber couplings will be allowed to connect with a vent or back air pipe.

36. Overflow pipes must be connected at the inlet side of traps.

37. No trap re-vent shall be used as a soil or waste pipe.

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38. All soil, waste and vent pipes that run through roof must finish with hub at roof, and flashing must be done when practicable by sheet lead or copper to hub of pipe, then inverted down into hub, then by adding the remainder of soil, waste or vent, and caulked as other joints; the sheet lead or copper must then be flashed down to roof, and soldered if practicable and made water-tight.

39. All openings for fixtures must be taken from vertical soil pipe when practicable.

40. Each and every connection with city sewer must have not less than a four-inch vent pipe.

41. The term "house sewer" is applied to that part of the main sewer or sewer extending from a point four feet outside of the outer face of brick or stone walls, or sewer piping running through yard and connecting with city public sewer.

Definition of terms.

42. The term "house drain" is applied to that part of the main cast-iron horizontal drain and its branches inside of the walls of the building and extending to and connecting with house sewers.

43. The term "soil pipe" is applied to any vertical line of pipe extending through roof, receiving the discharge of one or more water closets, with or without other fixtures.

44. The term "waste pipe" is applied to any pipe extending through roof, receiving the discharge from any fixtures except water closets.

45. The term "vent pipe" is applied to any special pipe provided to ventilate the system of piping and to prevent trap syphonage and back pressure.

Sec. 442. All water pipes situated in exposed places shall be protected from frost by stop or waste cock. Horizontal line of lead or iron supply shall be properly supported and tacked throughout the entire length, and so arranged as to be easily and quickly drained, and not less than two feet below the ground

Rules governing water supply pipes.

PLUMBING REGULATIONS.

surface. Vertical lines of lead supply pipe shall be supported by tacks; solder to the pipe and place not more than two feet apart; all joints in lead pipe shall be wipe joints.

Weights of
lead supply
pipe.

Sec. 443. Where hydrant is in yard, it must be set over yard slop sink.

All lead supply pipes, under pressure from the street mains, shall not be less than the following weights:

Strong—

Three-eighths inch, $1\frac{1}{2}$ pounds per foot.

One-half inch, $1\frac{3}{4}$ pounds per foot.

Five-eighths inch, $2\frac{1}{2}$ pounds per foot.

Three-quarters inch, 3 pounds per foot.

One inch, 4 pounds per foot.

One and one-quarter inch, $4\frac{3}{4}$ pounds per foot.

One and one-half inch, 6 pounds per foot.

Two inch, 8 pounds per foot.

Or if extra strong—

Three-eighths inch, 2 pounds per foot.

One-half inch, $2\frac{1}{2}$ pounds per foot.

Five-eighths inch, 3 pounds per foot.

Three-quarters inch, $3\frac{1}{2}$ pounds per foot.

One inch, $4\frac{3}{4}$ pounds per foot.

One and one-quarter inch, 6 pounds per foot.

One and one-half inch, $7\frac{1}{2}$ pounds per foot.

Two inch, 9 pounds per foot.

Stop and
waste cocks.

Sec. 444. When stop and waste are placed in the yard, or in cellar, or basement, below the surface of the ground, there must be an iron box provided, not less than six inches in the clear. The rod or key from stop and waste must be so arranged as to easily work to shut off and drain pipe; or if the "Kelly," or any other make of stop and waste are used, the appliance for the controlling of them must be so arranged as to be easily handled.

PLUMBING REGULATIONS.

This box, when necessary, must be set above ground at least three inches, where there is danger of it being covered from cause usual to any yard.

Sec. 445. There shall be a stop and waste cock attached to every supply pipe at a point where it enters the building; or where plumbing is located in yard it shall be placed convenient to fixtures.

Be it further ordained, That this ordinance shall take effect sixty (60) days from and after its final passage.¹

Sec. 446. It shall be the duty of every owner of any house or building of any character, having in or about same a water closet or urinal, to flush the same with water in one of the following ways:

Water closets
to be
flushed.

First—By connecting said closet or urinal with the water pipes or water mains; or

Second—By erecting, maintaining and using a water tank not less than ten feet above the said water closet or urinal, and said tank shall have a capacity of not less than 300 gallons.

Sec. 447. Any owner of any building having such water closet or urinal, and not having a water connection, or not provided with such water tank, and any tenant occupying any house or building and using any water closet or urinal upon said premises not connected or provided with water as aforesaid, shall be guilty of a misdemeanor, and shall be fined not less than \$1 nor more than \$50 for each and every offense, and each day's maintenance of such closet or urinal without such water connection or water tank shall be a separate offense.¹

Penalty for
violation.

Sec. 448. That it shall be and is a misdemeanor for any plumber, paver or other person to open, remove or injure the cover of the stop-box containing the stop-cock of any water con-

Not to remove
cover of stop-
cock, etc.

¹ Sections 392 to 447 passed August 22, 1901, except as otherwise noted.

PLUMBING REGULATIONS.

nection belonging to the City of Memphis, or to turn on or off the stop-cock contained in said stop-box without first obtaining the written permission of the General Superintendent of the Water Department of the City of Memphis.

Not to waste
water supply.

That it shall be a misdemeanor to wilfully, intentionally or maliciously waste or cause to be wasted the water supplied by the water system of the City of Memphis.

Penalty for
violation.

Be it further ordained, That any plumber, paver or other person violating this ordinance shall be fined not less than \$5 nor more than \$50 for each offense.²

Report from
plumbers
required.

Sec. 449. All plumbers and other persons doing business in the City of Memphis, be and are hereby required to make written report to the Water Department within ten days after completion of work, all fixtures added or new work done on any premises in connection with the mains or service pipes of the water works system of the City of Memphis.

Each plumber, plumbing establishment, or other persons violating this ordinance shall be guilty of a misdemeanor, and shall be fined not less than \$5 nor more than \$50 for each offense, and each violation shall constitute a separate offense.³

Sec. 449a. The laying of any sidewalk without giving to the water department at least thirty-six hours' notice in advance of the beginning of the work, shall be a misdemeanor punishable with a fine of not less than \$1 or more than \$50 for each and every offense, the public welfare requiring it.¹

² Section 448 passed September 10, 1903.

³ Section 449 passed February 9, 1905.

¹ Section 449a passed June 16, 1909.

QUARANTINE LAWS.

ARTICLE 23.

QUARANTINE LAWS.

Sec. 450. In addition to the powers conferred on the Board of Health, whenever it shall become necessary, in order to prevent the spread or prevalence of yellow fever, or any other dangerous, contagious or infectious disease, it shall be the duty of said Board of Health to recommend to the Mayor the establishment of a quarantine at such place or places as the Board of Public Works may select.

Quarantine
recommen-
ded—how.

Sec. 451. Immediately after such recommendation is made, the Mayor shall convene the Board of Public Works, who shall, if deemed advisable, at once procure, by lease or purchase, suitable quarantine grounds and buildings; and the Legislative Council shall declare by resolution what boats and persons, and from what points, shall be subjected to quarantine regulations.

Duty of
Mayor and
Council.

Sec. 452. Immediately thereafter, the Mayor shall publish his proclamation, setting forth the action of the Board of Health, and that of the Board of Public Works, and requiring all persons and boats coming from any named infected points, cities or places, to be subjected to said quarantine regulations, under the penalty provided by this ordinance.

Proclama-
tion of
Mayor.

Sec. 453. No boat subject to quarantine, as above stated, shall be permitted to land at, or in the city, or at any point within the distance to be specified in the Mayor's proclamation, except at the quarantine grounds established as aforesaid; nor shall any passenger or any freight be landed except as herein directed.

Boats, passen-
gers and
freight to be
landed only
in pursuance
of quarantine
regulations.

Sec. 454. The quarantine grounds, buildings and hospital shall be under the control of some one or more physicians, selected by the Mayor and the Board of Health, and of such other assistants as the same may appoint.

Control of
quarantine
grounds.

Sec. 455. Boats from infected places, and subject to quarantine as above, shall first land at said quarantine grounds, and shall

Examination
of boats from
infected
places.

QUARANTINE LAWS.

undergo inspection and examination by a physician appointed for that purpose; and if found to be in a healthy condition, and free from disease, shall receive a certificate to that effect from the inspecting physician, and be then permitted to land at the city wharf. In no case shall boats receive said permission to land at the city wharf until all danger of contagion or infection shall have passed. For each inspection and certificate, each boat shall pay the sum of \$10.

Charges for
persons landed
at quarantine.

Sec. 456. The officers of boats may put off and land any sick person at said quarantine hospital, upon the payment by said officers of ten dollars for each one so landed; and said sick person shall be received and nursed in said hospital, and shall pay the sum of two and one-half dollars (\$2.50) per day for such care and attention.

Freight
inspected.

Sec. 457. If any boat shall be so infected as to require it, the inspecting physician shall have power to cause any freight on said boat intended for the city to be first landed at the quarantine, to be there kept by such assistants and police as shall be appointed until all danger of infection or contagion shall have ceased. For landing, inspecting and keeping said freight, no charge shall be made; but when reshipped or removed to its destination, it shall be at the expense of the owner. The physicians in attendance at quarantine grounds shall receive each a salary, to be fixed by the Legislative Council; and all fees for inspection and for other services, except attendance on the sick, shall be paid to the Trustee.

Compensa-
tion to physi-
cians, etc.

Sec. 458. The Mayor shall have power, and it shall be his duty, upon the recommendation of the Board of Health, to remove to the quarantine grounds or hospital, any and all boats lying at the city wharf, or to some point not within five miles of the city.

QUARANTINE LAWS.

Sec. 459. While quarantine regulations are enforced, no dead body, nor any sick person shall be put off from any boat in the city, or at any point within five miles thereof, except at the quarantine grounds or hospital, without the permission of the Mayor and some one member of the Board of Health, under a penalty of \$50 for each offense; and for each and all other violations of this article a fine shall be imposed of not more than \$50, to be recovered by seizure of the boat, arrest of persons, or by conviction before the Mayor, as in other cases of misdemeanor.

No dead body or sick person to be landed within 5 miles of city.

Penalty.

Sec. 460. That there shall be established a quarantine station on the Mississippi River, at such point as may be found most convenient for the purpose, not more than ten (10) miles south of the city, and nearer, if possible; and for that purpose the Mayor and the President of the Board of Health, and the Engineer, are hereby empowered to select and lease or purchase, in accordance with the provisions of the act establishing this city, not more than ten acres of land, and to contract for and have erected suitable buildings, with necessary furniture, etc., for the purpose of a quarantine station; the whole not to exceed five thousand dollars in cost.

Quarantine station.

Sec. 461. When said grounds are purchased and the buildings are erected and furnished, they shall be under the direction and control of the Board of Health, and whenever the said Board of Health may be satisfied that yellow fever or other contagious or infectious diseases are prevailing at any point, and likely to spread or disseminate in the city, they shall so inform the Mayor, giving the names of places and of the diseases requiring the establishment of quarantine regulations, and thereupon it shall be the duty of the Mayor to immediately issue his proclamation establishing a quarantine of all boats or persons and freight coming from the infected localities.

How controlled.

QUARANTINE LAWS.

Physician to
be placed at
quarantine
station.

Sec. 462. Whenever, by direction of the Board of Health and the proclamation of the Mayor, a quarantine of all boats, passengers and freight from infected districts is declared, it shall be the duty of the Board of Health to immediately place a competent physician or medical officer at the quarantine station to examine all boats, their passengers or cargoes, and to decide according to the rules and instructions of the said Board of Health whether or not such boats, passengers or cargoes shall be permitted to come to the city; and if not so permitted to come to the city, such passengers as are to be detained shall be provided with quarters at the quarantine station until such time as they are permitted to come into the city; but may be charged for board and medical attention by the city for the time they are to be detained at the station.

What permits
to be granted
by quarantine
physician.

Sec. 463. It shall be the duty of the physician in charge of the quarantine station to grant permits to persons who have been detained at the quarantine station to come into the city as soon as the public safety will permit, and in no case shall persons who are not actually sick be detained longer than ten days. And cargoes of freight which may be unloaded or detained at quarantine shall be disinfected and forwarded as soon as possible. And whenever it may be considered necessary to do so, permits may be granted to steamboats to pass up the river without landing or communicating with the city in any way.

Penalty for
violation of
quarantine
regulations.

Sec. 464. Any officer, employe, or other person on any steamboat that may be subject to quarantine, under the provisions of this article, who shall refuse to obey the order of the quarantine physician, or who shall evade in any way the orders or regulations of the Board of Health in relation to quarantine regulations, shall be guilty of a misdemeanor, and shall be arrested and brought before the Mayor, and, upon conviction, shall be fined not more than \$50 for each offense; and any steamboat

QUARANTINE LAWS.

passing the quarantine station, without landing for inspection, or that comes to the city without a permit from the quarantine physician in charge of the station, during the existence of such quarantine, shall be deemed guilty of resisting an officer and violating this article, and the captain, mate, engineers, pilots and clerks shall be deemed guilty, and shall be arrested, and unless they can show by competent proof that they were not guilty of either aiding or abetting in such violation of this article, by assisting in the navigation of such boat, they shall be fined not more than \$50 each, for each offense, to be collected as other fines.

Sec. 465. It shall be the duty of the Chief of Police, when requested by the Board of Health to do so, to detail one or more policemen for duty at the quarantine station, and also to see that all boats landing at the wharf during the existence of any quarantine, have the proper permits, and that all persons violating any of the provisions of this article are promptly arrested; *provided*, that all the above sections shall apply to all railroads and other avenues of ingress and egress to and from this city. Quarantine regulations shall cease to be enforced on the recommendation of the Board of Health.

Chief of Police to assist in maintaining quarantine.

Sec. 466. Hereafter no steamboat, barge, tug or towboat or other watercraft coming from any point south of Memphis shall be allowed to enter or land at this port, without having a clean bill of health or inspection certificate, issued or countersigned by an inspecting officer of the National Board of Health, stationed at Station No. 2, President's Island, showing that such watercraft, its outfit, furniture, etc., and its passengers and crew are in such condition of health and freedom from contagious and infectious diseases, as to make it safe for such craft to enter and land at this port.¹

Boats from points south of Memphis shall have health certificates.

¹ Sections 466 and 467 passed May 27, 1880.

CITY HOSPITAL.

Penalty for failure to have health certificates.

Sec. 467. Any captain, owner, employe, or other persons or officers in charge of such boat, barge, or other watercraft, who shall violate this ordinance shall be arrested, and, upon conviction before the Mayor, be fined not less than \$1 nor more than \$50 for each and every offense, and such boat or other watercraft shall at once, upon landing or entering at this port in violation of this ordinance, be removed beyond the limits of this port.¹

ARTICLE 24.

HOSPITAL.

Hospital established under control of 3 trustees.

Sec. 468. There shall be established a City Hospital for the relief of such patients as are excluded, by law, from admission in the State Hospital and County Poorhouse. Said hospital shall be placed under the direction of a Board of Trustees, to be appointed by the Legislative Council, and to consist of three members. Said Trustees shall have power to make all needful rules for the government of the hospital, and it shall be their duty to visit the hospital and to hold stated meetings, to receive reports and to make such reports as they may deem necessary to the Legislative Council.

Admission to hospital.

Sec. 469. Permits of admission to the hospital may be granted either by the Mayor or the Chief of Police; *provided*, that when patients are admitted by the Chief of Police, or the Mayor, they will at once report the names of such patients and their condition to the Board of Health.

Superintendent of City Hospital—duties, compensation, etc.

Sec. 470. There is hereby established the office of Superintendent of the City Hospital, the incumbent of which shall be appointed annually by the Legislative Council, upon the nomination of the Mayor. He shall receive a salary of \$100 per month. Such Superintendent shall be a man of good business capacity, and he shall not be a practicing physician. It shall be his duty

¹ Sections 466 and 467 passed May 27, 1880.

CITY HOSPITAL.

to give his entire time and attention to the duties of his office. It shall be his duty to employ nurses and servants, purchase all provisions and materials necessary for the hospital, and to keep accurate account of all purchases and disbursements made, and report same monthly to the Council. He shall have charge of all the employes and property in and about said hospital, but he shall at all times be subject to the direction and control of the Board of Trustees of the Hospital. It shall be his duty to faithfully carry out, or cause to be carried out, the treatment of patients as directed by the Medical Staff hereinafter provided for. He shall collect all moneys due from pay patients, and turn same over to the County Trustee every month, and shall make monthly report of all collections to the Legislative Council. He shall also make full reports of all admissions to the hospital, of all deaths, and all convalescents. He shall keep in his office at the Hospital a record of each patient admitted, setting forth his or her place of residence, nationality, sex, disease, and such other facts and circumstances as the Medical Staff shall direct. Before entering upon his duties he shall give a bond in the penalty of \$5,000 to secure the faithful performance of his duties.

Sec. 471. There shall be elected by the Legislative Council of the City of Memphis, the members of the Medical Staff of the City Hospital of that city, to serve for a period of four years; the election to be held every four years.

Medical staff
of City Hos-
pital—how
elected—of
whom com-
posed, etc.

1. Said staff shall consist of eight (8) physicians, eight (8) surgeons, four (4) obstetricians, four (4) gynecologists, four (4) oculists, four (4) pathologists, four (4) neurologists, four (4) laryngologists, four (4) dermatologists—all to serve without compensation.

2. The first election shall take place at the next meeting of the Legislative Council after the passage of this ordinance, and thereafter every four (4) years.

CITY HOSPITAL.

3. One-half of said Medical Staff, that is, four (4) physicians, four (4) surgeons, two (2) obstetricians, two (2) gynecologists, two (2) oculists, two (2) pathologists, two (2) neurologists, two (2) laryngologists, two (2) dermatologists, shall at each election be selected from the faculties and assistants to the college faculties—one-fourth ($\frac{1}{4}$) from the Memphis Hospital Medical College and one-fourth ($\frac{1}{4}$) from the College of Physicians and Surgeons, upon official recommendation of each from their respective faculties; both colleges to have equal representation in each department, to serve during the months of October, November, December, January, February and March of each year; the other half to be selected from members of the Memphis and Shelby County Medical Society, who shall serve the other six months of the year.

Clinical
material.

4. The clinical material during the months of October to March, inclusive, shall be shared by the representatives of the faculties of the two colleges as follows:

How wards
assigned.

5. The wards assigned to the colored patients be given to the Memphis Hospital Medical College during the months of November, January and March; and those assigned to the white patients to the College of Physicians and Surgeons for said three months; the Memphis Hospital Medical College to have wards assigned to white patients in months of October, December and February; the College of Physicians and Surgeons to have colored patients in October, December and February.

Control.

6. Said medical staff shall have general control of the medical department of said hospital, attend all non-paying patients and perform all operations on same at said hospital. The President of the Board of Health shall be ex-officio a member of the Medical Staff, but, if he desires it, shall be excused from active service at the hospital.

Organization
of staff.

7. The members of the Medical Staff shall organize by the election of a President and Secretary and shall establish all

CITY HOSPITAL.

necessary rules and regulations for the treatment of patients and control of the medical and sanitary department of the hospital, subject to the approval of the Board of Trustees.

8. During the month of March of each year a competitive examination shall be held by the staff of the hospital for the selection of internes, not to exceed four (4) in number and after the competitive examination, which shall be held by a committee composed of two members of the faculty of each college and one member selected by these four from the members of the hospital staff, not connected with any college, they shall select as the internes students from the Memphis medical colleges those having attained the highest mark among those standing the examination, and in case these fail to serve, a selection shall be made of those having attained the next highest mark. The hospital shall furnish room and board for these internes.

Selection of
internes.

The Legislative Council shall have power to remove any of the members of said staff for neglect of duty or other cause the Council may see fit, and the vacancies for the unexpired terms shall be filled by the Legislative Council from the respective body from which said member was selected.

Council may
remove mem-
bers.

Sec. 472. Any patient of said hospital who is injured through malpractice, lack of skill or unprofessional conduct of any one of the hospital physicians, may recover damages from such physician, who shall be personally liable for damages by reason of such malpractice, lack of skill or unprofessional conduct.

Physician lia-
ble for mal-
practice.

Sec. 473. The faculty of the Memphis Hospital Medical College and the faculty of the College of Physicians and Surgeons, while in operation in the City of Memphis, shall be authorized and empowered to give clinical instructions in the City Hospital and the amphitheater shall, for the purpose of clinical teaching, be assigned to the Memphis Hospital Medical College faculty on Tuesday, Thursday and Friday of each week and to the College

Faculty of
colleges to
give clinical
instructions.

CITY HOSPITAL.

of Physicians and Surgeons faculty on Monday, Wednesday and Saturday of each week during their terms of session.

Sec. 474. The faculty of the Memphis Hospital Medical College and the faculty of the College of Physicians and Surgeons and the faculty of any other duly incorporated and authorized medical college hereafter established and in operation in the City of Memphis shall be and are hereby empowered to give clinical instructions in the City Hospital until such authority is revoked by the Council.

Vacancies—
how filled.

Sec. 475. In the event that either or any of the above appointees of the medical colleges herein named should resign, die or change from one of the above named colleges to the other, or should sever his connection with either of said colleges, then his position shall become vacant and shall be filled by the Legislative Council upon the recommendation of the faculty to which he belonged.

Privileges
subject to will
and pleasure
of Council.

Sec. 476. This ordinance is not to be construed as giving any of the said parties a vested right in the privileges herein extended, but the same is to be enjoyed by them at the will and pleasure of the Legislative Council.¹

Board
internes.

Sec. 477. The Hospital Superintendent shall furnish board to said internes when on duty, and also rooms. The Legislative

Remove mem-
bers of staff.

Council shall have the power to remove any of the members of said staff for neglect of duty or other cause the Council may see fit, and the vacancies shall be filled by the Legislative Council.

Head nurse
and subordi-
nate nurses.

Sec. 478. The head nurse shall be in charge of all subordinate nurses, subject to the control of the Superintendent; and the head nurse shall be responsible to said Superintendent for the conduct of subordinate nurses. The internes also shall be under

¹ Sections 471 to 476, inclusive, passed October 9, 1906.

WORKHOUSE.

the charge and control of the Superintendent. In case of any dereliction of duty, misbehavior or misconduct on the part of said head nurse, subordinate nurses or internes, charges shall be preferred against them before the Board of Trustees of the hospital, which board shall have power to retain, suspend or dismiss the nurse or nurses, interne or internes so accused, and the action of said Board of Trustees upon said charges shall be final.

Sec. 479. It shall be the duty of the Engineer of the City Hospital to keep the machinery, plumbing, lighting and heating apparatus in repair, and all expenditures to be made under the supervision of the Board of Trustees.¹ Engineers' duties.

ARTICLE 25.

WORKHOUSE.

Sec. 480. There may be a Workhouse established at some point within the limits of the city, whose inmates shall be under the control of a keeper, who shall be responsible for the safe keeping of all convicts.

Sec. 481. Persons committed by the Police Court shall be confined, when not at work, in the city prison, and shall, while so confined, be under the guard and safe keeping of the keeper of said prison; the food to be furnished as provided by order of the Legislative Council. Custody of persons committed by Police Court.

Sec. 482. The Workhouse convicts, when not confined in the city prison, shall be under the management of a superintendent, who shall work the same under the direction of the City Engineer, upon the streets, alleys, etc., of the city. Workhouse convicts—how employed.

¹ Sections 478 and 479 passed January 9, 1908. (See Book "B" Board of Public Works, page 30, January 24, 1908.) Remainder of ordinance passed February 16, 1899, except as noted.

STREETS AND SIDEWALKS.

Who shall be committed to
workhouse. Sec. 483. Hereafter, when any person may be tried and convicted of a violation of any city ordinance, or for the commission of any misdemeanor, and said person shall fail or refuse to pay the fine imposed, such person shall be committed to the Workhouse or city prison, and disposed of as provided by this article.

Labor for convicts. Sec. 484. Such person so committed as aforesaid shall be put to work at such labor as his health and strength will permit, either in or out of the Workhouse or prison; *provided*, that females shall be confined or kept at work only within the walls of the Workhouse or city prison, and shall be kept entirely separate and apart from the male prisoners.

Allowance made to convicts. Sec. 485. Each convict or prisoner shall be allowed 25 cents¹ per day (exclusive of their board) each day that he or she may work, to go to the payment of the fine and cost imposed on him or her by the Police Court; *provided*, that if any convict shall attempt to escape, or shall assault the overseer, he shall, upon conviction thereof, be condemned to serve and labor for an additional time, equal to that for which he was first committed.¹

ARTICLE 26.

STREETS AND SIDEWALKS.

Streets, alleys, etc., to be paved as directed by Mayor and Council. Sec. 486. Such streets, alleys, or avenues, or parts thereof, as the Mayor and Legislative Council may designate by resolution, shall be paved in such manner and with such material as the Legislative Council may prescribe.

Contracts for paving—how advertised for and let. Sec. 487. Immediately after the passage of any resolution directing any street, or part thereof, to be paved, the Board of Fire and Police Commissioners shall advertise in the city journal, for the space of thirty days, or for such time as they may direct,

¹ By ordinance passed September 27, 1905, prisoner credited with 40 cents per day. See *supra*, Section 776. The remainder of this article is as amended by ordinance passed June 3, 1880.

STREETS AND SIDEWALKS.

for bids for the execution of said work, in accordance with the resolution, and no bid shall be received after the expiration of the specified time for the reception of bids; and all bids made during that time shall be filed in the office of the Mayor, and shall be delivered, unopened, to the Mayor, to be laid before the Board of Public Works, and the Board of Fire and Police Commissioners may contract with the lowest responsible bidder for the grading, paving and curbing of said street, and such contract shall be executed according to the law establishing this city, and filed in the office of the Mayor; *provided, however*, that in no instance shall the contract be let to any one who cannot furnish satisfactory security for the faithful performance of his contract; and *provided further*, that the Board of Public Works reserves the right to reject all bids, and advertise anew, or let the work be done by the government itself, under its direction and that of the Engineer.

Sec. 488. Hereafter, when the Memphis Gaslight Company, or their agents, or the Memphis Water Company, or their agents, or any other person, shall excavate any portion of the streets or alleys within the limits of the city, for any purpose, it shall be incumbent upon them to puddle with water the earth, in refilling, and ram the same in such manner as to prevent any subsequent settling. It shall also be the duty of said companies, or their agents, or any other person, to notify, in writing, the Engineer whenever any excavation or filling is to be done; and any violation of the provisions of this section shall subject said companies, or their agents, or any other person, to a fine of not less than \$5 nor more than \$50 for each and every offense.

Refilling of
excavations
in streets.

Sec. 489. The modes of proceeding to cause the grading, paving, filling, and construction or repairing of sidewalks, or of pavements, shall be as follows: The Legislative Council will, by resolution or order, designate the particular sidewalks, and parts of

Regulations
for grading,
paving, filling
and construc-
tion of
streets, al-
leys, etc.

STREETS AND SIDEWALKS.

sidewalks, on which the owners and claimants of lots are required to construct,¹ pave or repair the sidewalks or pavements, etc., in front thereof, and the width of pavement and material of which the same is to be made. [Hereafter all sidewalks, whether of stone, brick, granolith or other designated material, shall be laid so as to cover the whole of that part of the street laid off for the sidewalk, unless a less portion thereof shall be designated and allowed by the Legislative Council; if less than the whole of the sidewalk space, which in no case shall be less than eight feet, be designated, as the part to be laid with the sidewalk, the lines of such less portion shall be laid off by the City Engineer, and the sidewalk laid within such lines, and no sidewalk shall hereafter be taken as properly laid until the same shall have been accepted by the City Engineer.]² As soon after the adoption of such resolution or order as practicable, the Mayor shall prepare a copy of such resolution or order from the minutes of the proceedings of the Legislative Council, which shall be attested by the Mayor, and transmitted to the Chief of Police, who shall forthwith cause personal notice to be given in writing to such owners, claimants, occupants, or agents of owners, claimants or occupants, in front of whose lots pavements or sidewalks have been so ordered, to pave the same in thirty days, preserving in his office a duplicate of such notice. [And whenever the owners of more than 50 per cent of the street frontage in any block shall desire that a particular kind of pavement be laid on the sidewalk of that block, the Council, may, by resolution, adopt such pavement for that block, and enforce the uniform laying thereof, over the sidewalk of that block.]³

Stone
sidewalks.

Sec. 490. That where stone sidewalks are laid, in lieu of granolith, no stone of less thickness than four (4) inches shall be

1 By ordinance passed August 20, 1881, "grade, fill" stricken out.

2 In brackets passed July 23, 1891.

3 In brackets passed December 7, 1895.

STREETS AND SIDEWALKS.

used, and no stone of less width than three (3) feet shall be used; and in length they shall cover the full width of the sidewalk, except when areas for cellars are required and in use.⁴

Sec. 491. Granolith sidewalks, when laid within the limits of said city, shall, in respect to the laying of the same, and the composition of the materials used therein, be laid under the specifications following, to-wit:⁵

Specifications
for granolith
sidewalks.

First—Excavate or grade walks to the depth of nine and one-quarter ($9\frac{1}{4}$) inches below the top of the surface of intended pavement, and in exact conformity to the grade-pegs set by the Engineer. Any and all fillings required to bring the sub-grade to the proper level of the base course shall be made in thin layers, and each layer thoroughly rammed over until it has been made compact and solid.

Second—Upon this graded surface (to serve as a sub-drain for water, frost, etc.,) shall be evenly spread four (4) inches of fine broken stone, or clean broken brick, broken to pass a two-inch ring on its greatest diameter, and it must be free from all dirt and stone dirt. This shall be thoroughly rammed to an even surface to receive the concrete course.

Third—On this base is to be laid a course of four (4) inches of hydraulic cement, concrete composed of the best brand of Portland, Alsen, German cement, Alsen's star (Stettin), Brooks, Shoebridge, Dykerhoff, or Hanover brands, which shall be well tested before using, and known to be fresh, mixed with clean, sharp, coarse river sand, which shall be well washed, and finely broken stone free from dirt and dust.

The cement is to be thoroughly mixed dry, one part to two parts of sand, and to this shall be added the broken stone in such quantities as may be required, the sand and cement to be suffi-

⁴ Section 490 passed November 10, 1892.

⁵ Section 491 passed October 6, 1892.

STREETS AND SIDEWALKS.

cient to fill all the voids in the broken stone, and at least ten per cent. surplus.

This concrete to be thoroughly mixed, dry, then dampened to a degree that will admit of the most thorough tamping and compacting with iron tampers.

The surface of this layer to be troweled over and made even and level, with no grains of sand or gravel lying loose upon the surface.

Fourth—The third or wearing course, coming on the concrete, is to be one and one fourth ($1\frac{1}{4}$) inches thick, composed of hard, clean, syenite granite, ground or crushed, to pass through a half or three-fourth inch mesh, and must be clean and free from dust or flaw, or other foreign substances.

This shall be mixed with one part of the best fresh Portland cement, or any of the brands previously enumerated, and three parts of granite (mixed dry), and then moistened sufficiently to be worked into a homogeneous mass, and then applied as follows:

Evenly spread on the concrete course, with trowel and straight edge, and thoroughly press on to the concrete, so as to make a perfect adhesion of the two layers; the thickness, when compressed and floated over, shall not be less than one and one-quarter ($1\frac{1}{4}$) inches.

Fifth—A dust or finishing coat of cement is to be sifted carefully and evenly on the wet surface, after which it shall be floated down to a level, smooth and uniform surface.

When finished the total depth of all material, thoroughly consolidated, shall not be less than nine inches.

The cementing must be done in an expeditious manner, in order to prevent undue settling of the parts, and the finished surface must be thoroughly protected from the sun and weather by spreading over it a covering of one or more inches of clean sand and covering of boards, which must be kept in place for ten days,

STREETS AND SIDEWALKS.

or until the cement has become hard set, after which the boards shall be removed and the pavement thoroughly cleaned.

Sixth—The sidewalks shall be laid as nearly as practicable in uniform lengths, and shall be cut for expansion in joints as directed by the Engineer.

The pavement shall be evenly and perfectly joined at the curb lines, and shall be so laid as to secure the best possible drainage.

Sec. 492. That all sidewalks laid hereafter on streets having a stone, concrete or granite curb shall be constructed of the materials and in the manner designated in the foregoing Sections 490 and 491, and on the grade lines and of such width as the City Engineer may direct.¹

Sec. 493. That sidewalks on streets where stone or concrete curbs have been laid which are relaid or need repairing shall be laid with granolith to such lines and grades as the City Engineer may direct and according to his specifications.²

Sidewalks to be laid with granolith.

Sec. 494. That the laying of such pavements and the material and component parts thereof shall be under the inspection and subject to the acceptance of the City Engineer, and no such pavement shall be taken to have been laid in compliance to the ordinances of the city until the same shall have been inspected and accepted by the City Engineer.

Pavements subject to approval of Engineer.

Sec. 495. That a violation or failure to conform to this ordinance shall be a misdemeanor, subjecting the offender upon conviction to a fine of not less than \$1 nor more than \$50.

Penalty for violation.

Sec. 496. The Engineer shall furnish to all parties so ordered or required to³ construct, pave or repair sidewalks or pavements, on application, the proper grades for the same.

Grades to be furnished by Engineer.

1 Section 492 passed April 20, 1903, also May 4, 1905 (Book F, page 474).

2 Section 493 passed April 6, 1906.

3 "Grade, fill," stricken out by ordinance of August 20, 1881.

STREETS AND SIDEWALKS.

Minors, non-residents and owners who cannot be found.

Sec. 497. In case of minors, non-residents and owners of property who cannot be found, and in case of all other persons who have been served with notice under existing laws to lay down sidewalks and who have failed to comply with the ordinance of the city requiring the owners of property to lay down sidewalks, the Engineer shall have the sidewalk laid down and report the cost thereof to the Mayor, who shall make out an account against the owners of the ground and deliver the same to the City Attorney; and it is hereby made the duty of the City Attorney to take all necessary means to collect the same.⁴

Sec. 498. In case of non-residents and owners of property who cannot be found, before work is done it shall be the duty of the Mayor to advertise in some paper published in the City of Memphis once a week for three weeks, notifying such persons that the city will proceed to lay said sidewalk and seek to recover the cost thereof by a proceeding against the property, which claim of the city shall be and constitute a lien upon the property in front of which the sidewalk is laid.⁴

Sec. 499. That this ordinance shall not be construed to repeal any ordinance now in force by which other remedies are provided to compel the laying of sidewalks in the city.⁴

Provisions to enforce laying of sidewalks.

Sec. 500. If at the end of thirty days after notice, pavements or sidewalks have not been³ constructed, or if not repaired in ten days, as provided by ordinance, as per order of the Legislative Council, hereinbefore mentioned, it shall be the duty of the police, under directions of the Chief of Police, to summon the parties before the Police Court, and, if, upon trial, they be found guilty, they shall be fined, and forfeit and pay to the city \$1 per foot of their lot or lots so ordered to be paved, etc., *provided*, that said fine shall in no case exceed \$50 as to any one lot in

⁴ Sections 497, 498 and 499 passed December 20, 1906.

³ "Grade, fill," stricken out by ordinance of August 20, 1881.

STREETS AND SIDEWALKS.

front of which pavements or sidewalks have been so ordered to be constructed or repaired, and said fine shall be inflicted for every day after thirty days' notice he or she permits the same to remain undone, unfinished or improperly finished.

Before the city can compel the property owners on any street to lay down brick sidewalks, said city shall be required to set⁵ the curbing in front of the property where sidewalks are ordered to be laid.

Curbing to be set before brick sidewalks required.

Sec. 501. No person will hereafter be permitted to cut or fill the streets of the city, or take up the pavements thereon, without first having obtained a written permit from the Engineer, and when the streets have been cut for the purpose of laying water, gas or sewer pipes, or for other purposes, the parties doing the same shall puddle and ram the back filling, (so as to prevent the settling of the street at the place cut) to the satisfaction of the Engineer, whose duty it shall be to inspect the same after it is done.

Streets not to be excavated without permit.

Sec. 502. When the Nicholson or other pavement is taken up, the party or parties doing the same will be required to replace it in a careful and substantial manner, as follows: The boards, blocks and pickets shall be carefully laid as nearly as possible in their original positions, on a bed of not less than three inches of sand; the spaces between the blocks will then be filled with fine gravel and rammed, when the whole will be freely sprinkled with paving cement or coal-tar, boiled down to nearly the same consistency, and covered with a good top dressing of sand and gravel, not less than one inch thick.

Replacing of pavement.

Sec. 503. Stone or gravel pavements taken up, shall be restored with similar workmanship and material to that existing in the pavements before they were torn up.

⁵ "Lay the gutter and" stricken out by ordinance of June 29, 1893.

STREET CROSSINGS.

Sec. 504. In all cases where the surface of the street is disturbed, whether paved or unpaved, the parties so cutting or disturbing the streets shall leave them in as good condition as before they were disturbed.

ARTICLE 27.

STREET CROSSINGS.

Where made. Sec. 505. Regular street crossings for persons on foot shall be at points from one corner of a street or alley directly at right angles with the street or alley, and this whether any footway is specially placed along said line or not.¹

Precedence for foot passengers. Sec. 506. Foot passengers, when crossing streets or alleys at points marked out by ordinance as regular crossings, shall have precedence or right of way over all vehicles.

Vehicles to give precedence to. Sec. 506a. Every driver of a carriage, hack, buggy, dray, wagon, cart or other vehicle, or a person on horseback, is forbidden to drive or ride at such a gait near to a person on foot, who is moving along a lawful crossing, so as to render the life or limb of the person on foot in danger.²

Passengers on Main street shall drive on right. Sec. 507. All persons going south on Main street in the City of Memphis, whether in vehicles or on horseback, shall use the west half of the street, and those going north shall use the east half of the street, and all persons shall pass to the right of persons going in an opposite direction; *provided*, this ordinance shall have no application to the Fire Department.²

Penalty for violation. Sec. 508. A failure or refusal to comply with the requirements of this and the preceding articles shall be regarded as a misdemeanor, and will be punished by a fine of not less than \$1 nor more than \$50.

¹ For railroad crossings see Section 673, post, passed August 6, 1891.

² Section 507 passed August 6, 1891.

PHYSICIANS, RIGHT OF WAY—CONDEMNATION OF PRIVATE PROPERTY.

ARTICLE 28.

RIGHT OF WAY GIVEN PHYSICIANS.

Sec. 509. That all such persons who practice for the cure of the sick and the injured under the authority of the Tennessee State Board of Medical Examiners, and all such vehicles which are used exclusively for the transportation of the sick and the injured, shall have the right of way in driving through the City of Memphis.

Physicians—
right of way.

Sec. 510. That all such persons and vehicles entitled to the right of way as granted by Section 509 shall provide themselves with a gong of sufficient size and use same when claiming the right of way in driving through the city.

Sec. 511. That a violation of this ordinance shall be a misdemeanor, and any person violating same, shall, upon conviction, be subject to a fine of not less than \$5 nor more than \$10.

Violation of
ordinance.

Sec. 512. *Be it further ordained,* That this ordinance shall take effect from and after its passage, and all ordinances or parts of ordinances conflicting with this ordinance are hereby repealed. *Provided,* that nothing in this ordinance shall be construed so as to interfere with the operation of the City Fire Department.³

ARTICLE 29.

CONDEMNATION OF PRIVATE PROPERTY.

Sec. 513. Hereafter when it shall be deemed necessary to take private property for the public use, in pursuance of the method pointed out in the act of 1879 establishing this city, the following shall be the manner in which condemnation of property shall be conducted and carried out:

Sec. 514. A resolution shall first be submitted to the Legislative Council, showing the necessity of the condemnation of

Resolution
offered.

³ Sections 509 to 512 passed December 5, 1901.

MARKET HOUSE.

property proposed to be made, and in general terms describing the property to be condemned.

Plat to be
made by
Engineer.

Sec. 515. Said resolution shall lie upon the table of the Legislative Council until the next meeting; and, in the meantime, the Engineer shall proceed, under the direction of the Mayor, to survey, stake off and draw a plat of the grounds so proposed to be condemned and taken for public use.

Conference
with owner
with view to
purchase.

Sec. 516. When the survey and plat provided for above shall have been presented to the Legislative Council, the resolution originally proposed shall be finally acted upon, with such amendments or alterations as may be deemed necessary; and said resolution shall also authorize and direct the Mayor to confer with owners of said grounds, to receive propositions and to ascertain what terms of settlement can be agreed upon with said owners, which said propositions the Mayor shall report to the Legislative Council at its next meeting.

Condemna-
tion.

Sec. 517. If the amount of compensation to be paid to owners cannot be agreed upon by the parties, then a jury shall be appointed in the manner prescribed in the law establishing the city, whose duty it shall be to ascertain the amount to be paid as compensation.⁴

ARTICLE 30.

MARKET HOUSE.

One market
house and
Market Master.

Sec. 518. There shall be but one city market house, namely, the Beale Street Market House, at the northwest corner of Beale and Hernando streets. And there shall be but one Market Master, who shall be appointed as now provided by law, to serve

⁴ See Section 3 ante Taxing District Act, for power to open and widen streets, etc.; also Section 20, as to how this is to be done. That section provides that private property may be taken for public use, in the manner now provided by law for the application of private property to public use. This is set forth in Section 1326, et seq., Code.

MARKET HOUSE.

one year, unless sooner removed, and he shall be paid a salary of \$100 per month. Before entering upon his duties he shall give a bond in the penalty of \$2,000.¹

Sec. 519. Said market house shall be kept open every day Market hours. in the week, except Sunday, during market hours, which shall be from 4 o'clock in the morning to 11 o'clock a. m., but on Saturdays the market house shall be kept open from 4 o'clock a. m. until 11 o'clock at night.

It shall be the duty of said Market Master to attend said Duty of Market Master. market house during market hours, and keep same locked up after market hours; to collect all fees except as hereinafter otherwise provided; to keep order at the market house, and to settle all disputes concerning weights and measures, and inspect the same according to the ordinances of the city. He shall have police powers.

Sec. 520. The Mayor shall, after six days' advertisement, Market stalls—how rented. cause the meat and vegetable stalls at said market house to be offered for rent at auction on the second Monday in March of every year. The renting shall be for one year; all stall rents shall be paid quarterly in advance to the City Register, and rent notes shall be given for all the payments, except cash payment. The minimum price for each stall rented at said market house shall be \$150 per annum, and the city shall have the right to reject any and all bids.

The Market Master shall report all delinquencies in the payment of rent to the Mayor; and the failure to pay any installment of rent when the same falls due shall work a forfeiture of the rent contract without notice, but this shall not release the liability of the tenant to pay the rent due for the balance of the year. Non-payment of rent.

¹ By resolution adopted February 23, 1907, salary of Market Master raised from \$75 to \$100 per month.

MARKET HOUSE.

No more than 2 stalls to be rented to same person.

No one person or firm shall be permitted to rent, either directly or indirectly, more than two stalls, and such stalls shall not be occupied by any other person than the renter, unless the same be duly transferred by consent of the Mayor.

To pay additional for different articles, etc.

No person or firm shall offer for sale any article or line of commodities other than the one for which the said stall is specifically rented, unless the party or parties who use the stall for two or more lines of business pay for handling the said different commodities the same rent for each, as the occupant of each stall for one line of commodities.²

Renting stalls for unexpired term.

At any time after the annual sale of stalls an unsold stall may be rented by the Market Master, under the direction of the Mayor, for the unexpired market year, at such rental as the Mayor shall deem proper. Stalls not rented by the year shall be rented by the Market Master from day to day at 50 cents each; *provided*, that to parties occupying stalls only on Saturdays the rate shall be double; and persons selling at the market from carts or other vehicles shall pay 25 cents each day.

Delivery on Sunday before 9 o'clock.

Parties occupying stalls in the market house shall have the privilege of delivering articles sold on Saturday up to Sunday morning at 9 o'clock; but no articles shall be sold on Sunday at all, or delivered after 9 o'clock. Any violation of this provision shall be a misdemeanor, punishable by fine of not less than \$1 nor more than \$50.

Forestalling the market.

Sec. 521. No person shall forestall the market by buying during the market hours an article commonly sold in market for the purpose of selling the same again; nor shall any person offer any such articles for sale during market hours within the market district hereinafter described.

Market district.

Sec. 522. Said market district is bounded and described as follows: On the north by the first alley north of Monroe street;

² Section 520, paragraph 4, passed August 8, 1904.

MARKET HOUSE.

on the east by the first alley east of Lauderdale street; on the south by the first alley south of Vance street, and on the west by Clinton street.

Sec. 523. Any person, firm or corporation peddling or selling meats, fish, game or vegetables from wagons, carts or otherwise within the market house district during market hours shall be guilty of a misdemeanor, and shall be subject to a fine of not less than \$1 nor more than \$50 for each and every offense. And it shall be the duty of the Market Master to see that this provision in respect to the market house district is faithfully complied with, and he shall arrest, or cause to be arrested, any person guilty of a violation thereof, and shall prosecute such person in the Police Court.

Penalty for selling within the market district.

Sec. 524. All combinations to influence in any way the prices of articles offered in the market house shall be unlawful, and any person who is a party to such a combination shall be guilty of a misdemeanor, and shall be subject to a fine of not less than \$1 nor more than \$50 for each and every offense.

Penalty for cornering the market.

Sec. 525. It shall be the duty of renters and occupiers of stalls to leave the same in a neat and clean condition during and at the close of market hours.

Stalls to be kept clean.

Sec. 526. No person shall offer for sale at the market house, or elsewhere in the city, the flesh of any diseased animal, or the flesh or any animal not considered edible food, nor flesh in a state of partial decay or putrefaction, or other spoiled or unwholesome food of any kind. [No person shall offer for sale for human food the flesh of any calf slaughtered under five weeks old, or any blown meat, blown by air or other gases]¹

Diseased or impure flesh not to be offered for sale in market.

¹ In brackets passed June 18, 1891.

MARKET HOUSE.

Forfeiture of
light-weight
articles.

Sec. 527. Bread and other articles offered for sale in the market house by weight, without being weighed in the presence of the purchaser, shall be examined by the Market Master, and if the articles be found lighter than represented by the vendor, they shall be forfeited, and sold at auction by the Market Master for the benefit of the city.

Account to be
kept by Mar-
ket Master of
money re-
ceived, and
to be paid
daily to
Trustee.

Sec. 528. *Be it further ordained*, That the Market Master shall keep an exact account of all moneys received by him in the execution of the provisions of this ordinance, and pay the same daily, except Saturday, to the Trustee, reporting the names of the persons he collects from, the numbers of stalls occupied by those he collects from, and the amount collected from each person.

Report made
weekly to
Council.

He shall also make a report of all his collections and official transactions to the Legislative Council at the first meeting of the same every month.

Market Mas-
ter shall see
that market is
kept clean.

Sec. 529. It shall be the duty of the Market Master, at his own expense, to keep all hogs, cattle and dogs, running at large, and other animals out of the market house; to have the same swept and cleaned of all rubbish and litter at least once a day, and as often as necessary; to require all tenants and occupiers of stalls to keep the same clean and in good order, and to see that all litter and filth is kept removed from said market house and the vicinity thereof. Every day at the close of market hours he shall see the occupants of stalls and all persons who sell from wagons or carts leave said stalls, and the places of standing of said wagons or carts, in a clean and neat condition; and if any shall not be so left neat and clean the occupiers thereof shall be fined as in other cases of misdemeanors, and said stalls and places of standing shall be made clean by the Market Master at the cost of the lessee.

MARKET HOUSE.

Sec. 530. The Market Master or the police shall arrest all drunken, riotous or disorderly persons found at the market house during market hours, and report them to the Police Court, to be dealt with as the law directs.

Arrest disorderly persons.

Sec. 531. No one shall leave, ride or drive any animal into the market house, or on the pavement thereof, or slaughter any animal therein, or deposit any filthy or offensive matter about the same.

Animals not to be driven into market house.

Sec. 532. No one shall kindle or use a fire in or about the market house, except charcoal or gas stoves, and these only in such places and manner as the Market Master may allow.

No fires, except charcoal or gas stoves.

Sec. 533. Any lessee of a stall who shall fail to occupy the same for three consecutive weeks, by himself or assignee, shall forfeit his right to the same.

Stall forfeited by failure to occupy.

Sec. 534. Any lessee of a stall or vendor in the market who shall throw, or cause to be thrown, any meat, fish, fruit or vegetables, whether decayed or otherwise, in any of the streets or gutters adjoining the market house, shall be deemed guilty of a misdemeanor, and shall be fined not less than \$1 nor more than \$50 for each and every offense.

Penalty for throwing meat, etc., in gutters at market house.

Sec. 535. Every lessee of a stall in the market house is hereby required to have his, her or their names printed on a tin sign, in a plain and legible manner, with the number of the stall or stand thereon, to be fixed in a conspicuous place over the stand, stall or place occupied; and the failure or refusal to comply with this provision after five days' notice by the Market Master shall be deemed a misdemeanor.

Stall keepers to have sign.

Sec. 536. It shall be the duty of the Market Master—

1. To exercise a general supervision over the market house and market place, and to enforce the regulations established for the government thereof.

General duties of Market Master.

MARKET HOUSE.

2. To assign places to wagons or persons attending the market, and to enforce order among them.

3. To exercise a general care and custody of the market house, and all the appurtenances thereof.

4. To examine the quality of all articles offered for sale in the market, and to seize all blown, unsound, diseased or impure or unwholesome articles for sale.

5. To examine the weights of all articles exposed for sale, and seize all which are of less weight than that represented by the seller.

6. To enforce order in the market, and decide all disputes which may arise between buyer and seller touching the weight or measure of any article.

7. To generally do and perform all acts necessary for the proper regulation of the markets and the enforcement of market regulations.

After the close of the market, no sale of meat, vegetables or other articles shall be made therefrom.

Regulations governing renting of stores at market house.

Sec. 537. The stores under the Beale Street Market House and on the ground floor thereof shall be rented by the Board of Fire and Police Commissioners upon the approval of four members of the Board of Public Works. The rent contracts for said stores shall be executed and approved as now provided by law for the making of other contracts. No store shall be rented for a less period than one year, nor more than three years, said rent to be paid monthly in advance to the City Register. The rent contracts shall provide that in the event of default in the payment of any installment of rent as the same falls due, such forfeiture shall work a forfeiture of the rent contract without further notice, but this shall not release the tenant from the payment of the amount due by him for the balance of the term, and the rent notes shall be given and placed in the hands of the City Register for collection.

MEAT, FISH AND VEGETABLE STORES.

Sec. 538. Wherever the rent contract is for a less period than three years, the tenant shall have the option to continue the contract for the balance of said period of three years, at the same price and upon the same terms, but said tenant shall give notice to the city thirty days before the expiration of his contract of his intention to take advantage of said option.

Sec. 539. Upon failure of any tenant to pay rent when due, and at the expiration of any rent contract, the Mayor shall at once order such tenant to at once vacate such store, and he shall proceed to re-rent the same.

Sec. 540. Tenants of such stores shall provide their own lights and heating.

Sec. 541. Any tenant holding over after the expiration of his lease shall be liable for the rent for the ensuing year.

Sec. 542. These ordinances shall be considered as part of every rent contract, and every tenant shall be understood to rent under the conditions herein imposed.

ARTICLE 31.

MEAT, FISH, GAME AND VEGETABLE STORES.

Sec. 543. Each and every person, firm or corporation having a meat store on the second Monday of March, 1898, at any other place than the Beale Street Market House, and within the market house district above described, shall be permitted to continue said store for the sale of fish, meats, game, vegetables, fruits and melons of all kinds, on the payment of the license provided by law, but no new store or stand for the sale of fish, meats, game, vegetables, fruits and melons of all kinds shall be opened within the market house district hereinbefore bounded and described, nor shall any such store or stand within said district above specified be continued except by the present owner or proprietor.

Persons having meat store on second Monday in March, 1898, in market district may continue.

MEAT, FISH AND VEGETABLE STORES.

Penalty for
violation of
ordinance.

Sec. 544. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$1 nor more than \$50 for every offense.

Inspection of
meat stores
by Market
Master.

Sec. 545. All stores where fresh meats, fish, game or vegetables are sold shall be subject to inspection by and at the discretion of the Market Master, or on complaint of any citizen.

Merchants
may sell meat
—under what
regulations.

Sec. 546. Any merchant or commission merchant regularly licensed shall be authorized and permitted to sell fresh meat from his or her store without obtaining a special permission therefor; *provided*, that no such merchant or commission merchant shall cut or reduce the bulk of any piece of fresh meat, or shall permit the same to be done for purposes of sale, or the convenience of purchasers, while the same is in his store or under his control; and, *provided further*, that in no case shall any merchant or commission merchant sell fresh meat in any smaller quantity than one-quarter of any slaughtered animal.

Delivery of
meat after 10
a. m. Sunday
forbidden.

Sec. 547. All persons doing business under the provisions of the last three sections are hereby authorized to deliver articles sold until ten (10) o'clock Sunday morning, but not to sell any article on that day; but delivery after ten (10) o'clock is forbidden.

Penalty for
violation.

Sec. 548. Any person or firm who shall violate any of the provisions of this article, or who shall sell fresh meat, fish, game or vegetables from any store without having obtained the requisite permission from the Mayor for the same, shall be guilty of a misdemeanor, and, on arrest and conviction before the Mayor, shall be fined not less than \$1 nor more than \$50 for each offense.

MEAT INSPECTOR, DUTIES, ETC.

ARTICLE 32.

MEAT INSPECTOR.

Sec. 549. There is hereby created the office of Inspector of meat, fish, game and poultry in and for the City of Memphis.¹

Sec. 550. The Mayor, in conjunction with the Board, shall appoint one Inspector of meat, fish, game and poultry; said Inspector shall also have police power. How appointed.

Sec. 551. Said Inspector shall give bond for \$5,000, with two or more solvent sureties, to be approved as required by the ordinances of the city, for the faithful discharge of the duties of his office; *provided*, no one shall be appointed Inspector of meat, fish, game and poultry who is not a practical*butcher. Qualification and bond.

[Said Inspector shall report to, and be under the orders and control of, the Board of Health, as are other sanitary officers of said city.]² Reports by.

Sec. 552. Before entering upon his duties, the officer herein named shall take and subscribe an oath to faithfully demean himself, and to perform his duties in office, and to obey the laws and ordinances of the City of Memphis. Oath.

[That all inspectors heretofore or hereafter appointed by the City of Memphis shall, before re-entering upon or proceeding with their duties as such inspectors, take and subscribe the following oath: "I, — — —, do solemnly swear that I am not, and will not become, interested, directly or indirectly, with any individual, firm or corporation engaged in the manufacture or sale of any article subject to my inspection; that I will not deal or trade in any article subject to my inspection, either for myself or others, and that I will never, by solicitation or otherwise, interfere with or undertake to influence any sale,

¹ Sections 549 to 560, except as otherwise noted, passed April 3, 1890.

² In brackets passed September 6, 1894.

MEAT INSPECTOR, DUTIES, ETC.

purchase or dealing whatever between others, in any article subject to my inspection.

"I do further swear that, in the performance of my official duties as such Inspector, I will, at all times, act impartially, and without discrimination against any person whomsoever."³

Powers.

Sec. 553. Said Inspector shall have power to enter all stock yards, markets, meatshops, stores, slaughter houses or other places where meats, game, fish and poultry are offered for sale, either wholesale or retail, for human food. When such meats, game, poultry or fish are found, on inspection, to be tainted,

Disposition to
be made of
tainted meat,
etc.

diseased, corrupted or unwholesome, from any cause, said Inspector shall order the same to be immediately disposed of otherwise than for food, and the person, firm or corporation having in his, their, or its possession such meat, poultry, game or fish, shall inform the health officer, in writing, under oath, within forty-eight hours after they have been notified by the Inspector as to what disposition they have made of such meat, poultry, game or fish; and any one failing to comply with the provisions

Penalty.

of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$1 nor more than \$50 for each offense.

Flesh of dis-
eased cattle
not to be
sold.

Sec. 554. Any person, firm or corporation who shall offer for sale to customers for human food any meats, game, poultry or fish that are tainted, diseased, corrupted or unwholesome, or meats from any cattle, hogs, sheep or calves that were unsound, sick, diseased or out of condition at the time they were slaughtered, shall be guilty of a misdemeanor, and, on conviction

Penalty for.

thereof, shall be fined not less than \$1 nor more than \$50 for each offense.

³ In brackets passed June 9, 1897.

MEAT INSPECTOR, DUTIES, ETC.

Sec. 555. Any person, firm or corporation who shall be convicted of any offense under Sections 553 and 554 of this ordinance shall have their names and place of business published by the Board of Health conspicuously in one or more newspapers published in the city, for three days.

Names of offenders to be published.

Sec. 556. The Inspector shall perform such other duties as may be prescribed by the Board of Health.

Other duties of Inspector.

Sec. 557. The Inspector so appointed shall receive a salary of \$1,500, \$1,200 of which shall be paid monthly, and absolutely, but the remaining \$300 of which shall be paid at the end of his official year; that for the purpose of this ordinance his official year shall be considered as ending on the 1st day of February, and that such additional \$300 shall be payable only on condition that the net receipts of inspection for the year shall equal or exceed \$1,500. If such receipts should exceed \$1,200, but fall short of \$1,500, he shall, at the time aforesaid, receive the excess over \$1,200.¹

Salary of Inspector and how paid.

[He shall furnish, at his own expense, all necessary equipment for the proper performance of his duties, except books, stationery and printing, which latter will be furnished and paid for by the city.]²

Sec. 558. Hereafter it shall be unlawful for any person to offer for sale for human food any animal, or the flesh of any animal, or of fish, fowl or game, unless the same has been duly inspected by the Inspector appointed for that purpose, as hereinafter provided, and any person violating this section, upon conviction, shall be fined not less than \$3 nor more than \$50 for each offense.

Penalty for selling uninspected meat.

¹ Section 557 passed April 2, 1892.

² In brackets passed November 8, 1894.

RETAIL LIQUOR DEALERS.

Inspection
fees.

Sec. 559. The Inspector shall receive for account of the city, for inspection of live stock, the following fees, to be paid by owners of stockyards, to-wit:

For carload lots of twenty head or more, \$1 per car, or 5 cents per head for less than a carload; for sheep or hogs, \$1 per carload, or 1 cent per head for less than a carload. For dressed meats, by car lots, \$2. No extra charge shall be made to any retail dealer in meat, fish, game or poultry, but he shall be entitled to a fee of 10 cents for one beef, either live or dressed, and 5 cents per head for sheep and hogs and calves which may be brought in wagons from the country, to be sold in the city. He shall be entitled to the above named fees for any dressed beef, hogs or sheep which are brought either by boat or railroad, but no charge for wild game shall be made; all of said fees to be paid weekly to the County Trustee by the said Inspector, taking duplicate receipts therefor in the usual form.³

Tenure of of-
fice of In-
spector.

Sec. 560. That the Inspector herein provided for shall surrender his office at any time at the request of the Legislative Council, and on any charges made by responsible parties he may be suspended by the Mayor, and tried by the Board of Fire and Police Commissioners, as other officers.

ARTICLE 33.

LIQUOR SALOONS AND RETAILING.

Liquors not to
be sold less
than quart
without
license.

Sec. 561. It shall not be lawful for any person or persons to vend or sell spirituous, malt, vinous or intoxicating liquors within the city in less quantities than a quart, unless he, she or they shall have complied with the requirements hereinafter set forth.⁴

License for
retailing less
than quart.

Sec. 562. Any party or parties desiring to engage in the business of vending by retail, in less quantities than a quart, spir-

³ Section 559 passed June 19, 1890.

⁴ Acts of 1909 prohibit sale of liquor after July 1, 1909.

RETAIL LIQUOR DEALERS.

ituous, vinous, malt or other intoxicating liquors within the city shall first obtain a license granting to the party or parties applying for such privilege.

Sec. 563. It shall be the duty of each and every person or persons taking out a license for the retail of spirituous, vinous, malt or other intoxicating liquors, at the expiration of his, her or their license aforesaid, or whenever he, she or they may transfer or otherwise dispose of the same, or notoriously abandon the business of retailing spirits, etc., to appear instanter before the Trustee, and render to him, under oath, a true and perfect statement of the amount invested in the purchase of spirituous, vinous, malt or other intoxicating liquors, made for the purpose of retailing under his, her or their license aforesaid, during the continuance of the same; and at the same time paying into the hands of the Trustee any additional tax which may be then due upon said license.

Report to be made to Trustee of stock on hand.

Sec. 564. Each and every person or firm obtaining a license for the retailing of spirituous, malt, vinous or other intoxicating liquors, shall keep a peaceable, quiet and in every respect orderly house, and shall not retail, donate or give away any spirituous, malt, vinous or other intoxicating liquors to any minor, or knowingly permit the same to be done, without the permission of the parent or guardian of such minor, in writing; nor shall such person or persons allow any gaming for spirituous, malt, vinous or other intoxicating liquors, money, or anything to eat, or other valuable thing or things, in the house in which such person or persons may retail spirits, or on the premises, or in any place procured by him or them for that purpose; and any violation of the provisions of this section shall be a misdemeanor.

Order to be maintained by retailers of liquors.

Sec. 565. All kinds of music in any saloon, or other place where spirituous, malt or vinous liquors are habitually sold to

Music not permitted in saloons.

RETAIL LIQUOR DEALERS.

be drunk on the premises, or are habitually drunk on the premises, are forbidden; and any one offending against this ordinance shall, upon conviction before the Police Court, be fined not less than \$1 nor more than \$50 for each and every offense; and each and every day or night, or any part of either, that any one permits or plays any kind of music in any of the places aforesaid, he or she shall be guilty of a distinct offense, except where special permits from the Mayor shall be granted, which permits may be revoked at his pleasure.¹

Liquors not
to be sold on
election day,
Sunday, or be-
tween 12 and
4 o'clock
a. m.

Sec. 566. Nothing in this chapter shall be so construed as to authorize the sale, or, in any manner or form whatever, the vending of spirituous, malt, vinous or other intoxicating liquors on Sunday,² or on any day on which State or county or other elections are held, within the city limits, or after twelve o'clock at night, until four o'clock the next morning; but the same is hereby prohibited, either by sale, gift or otherwise, upon the days and within the hours herein prohibited, under the pain and penalty of a fine of not less than \$1 nor more than \$50 for each and every offense, together with a forfeiture of his, her or their license for the sale and vending of spirituous, malt, vinous and other intoxicating liquors. And, further, it shall be the duty of each and every person or persons having obtained a license, and keeping a house or other place for the sale or vending of spirituous, malt, vinous or other intoxicating liquors, to close up and keep the same closed, so as to admit no one save his, her or their employes, legitimately engaged in the sale of spirits, etc., after the hour of twelve o'clock p. m. until four o'clock the following morning of each and every day from the commencement to the expiration of his, her or their license aforesaid, under the pain and penalty of not less than \$1 nor

¹ Section 565 passed April 8, 1882.

² See post Article 36.

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more than \$50 for each and every offense, together with a forfeiture of his, her or their license for the retail of spirits, etc.

Sec. 567. Every and all persons taking out a license for the retail of spirits, etc., shall keep the same continually posted in some conspicuous place in the house or room where they vend spirits, etc., by retail, so that any and all of the city officers can readily approach and examine the same at pleasure.

License to be posted.

On failing to comply with this provision he, she or they shall forfeit and pay to the city a fine of not less than \$1 nor more than \$10 for each and every day that he, she or they may so offend.

Penalty for not posting.

Sec. 568. All oyster saloons, where oysters or other refreshments are disposed of in connection with a tippling house, are hereby declared a portion and part of the tippling house adjoining, for the purposes of this ordinance, and shall be subject to the same penalties and rules as tippling houses.

Restaurants connected with saloons must have license.

Sec. 569. Any and every violation of any of the foregoing provisions is hereby declared to be a misdemeanor, and the person or persons violating the same shall, upon conviction before the Police Court, be fined from \$1 to \$50, unless other fines are herein specifically provided.

Penalty for violation.

ARTICLE 34.

DRAYS, CARTS AND HACKNEY COACHES.

Sec. 570. Before a license shall be granted to any person to run any dray, cart or hackney coach, he shall enter into bond, with security, to be approved by the Register of the City of Memphis, of Shelby County, Tennessee, which shall be in form and condition, etc., as follows:

License for drays, carts, etc.—form of.

“State of Tennessee, Shelby County, City of Memphis.—Know all men by these presents: That we, ———, all of the county and State aforesaid, are held and firmly bound unto the

VEHICLES, LICENSE AND REGULATIONS.

City of Memphis, Shelby County, Tennessee, in the sum of \$500, for payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Witness our hands and seals, this — day of —, A. D., 19—. The condition of the above obligation is such: That, whereas, the above bound — has this day applied for and taken out a license granting to — the privilege within the city limits to run one —, No. —, for the — corporate year; Now, if the said — shall well and truly perform and discharge the duties incumbent on a common carrier, in a speedy as well as safe delivery of all manner of goods, wares, merchandise, persons, etc., committed to his charge, and fully and faithfully comply with the laws and ordinances now in force, as well as those which may hereafter be passed by the Legislative Council, regulating drays, carts, wagons, hacks, coaches, etc., then this obligation to be void; otherwise to remain in full force and virtue. Witness, — [seal] — [seal]." *Provided*, that this provision of this chapter shall not apply to drays, wagons, etc., used only for family or home purposes. *Provided further*, that the Register shall charge for the labor of issuing all licenses, 25 cents; the same to go to the Trustee's hands for the account of salaries, printing expenses and stationery purposes.

Vehicles to
drive to right.

Sec. 571. All drivers of carts, drays, wagons and any other vehicles whatsoever shall pass each other on their right hand, and shall always drive as close to the footway on the left as they conveniently can. Persons driving in narrow streets, lanes or alleys, and turning corners, shall drive in a walk.

Drive in walk
in alleys.

Metal num-
bers of license
to be affixed
to vehicle.

Sec. 572. Every person who shall obtain a license in accordance with the provisions of this ordinance to run dray, cart or wagon, or other vehicle, shall be furnished by the Register with duplicate numbers of said license on two metal plates, in figures.

VEHICLES, LICENSE AND REGULATIONS.

not more than three inches long, which said duplicates shall be fastened on the blinds of the bridle, or where there are no blinds used, then on the side of the saddle harness; *provided*, that in case of the omnibuses, coaches or carriages or other vehicles carrying glass lamps attached to each side of the same, the number of said licenses shall be painted on the lamps on the glass front or sides thereof, which lamps shall always be lighted when such vehicles are used after dark, and such duplicate numbers shall, during the continuance of such license, be kept in their places as aforesaid, and it shall be a misdemeanor to displace the same, or either of them, during such time, or interfere with the same, or either of them, or use such vehicles without having both of the same in place, or to use any vehicle without such duplicate fastened and kept as aforesaid.¹

Sec. 572a. When any person to whom license shall have been granted shall lose the plate or plates expressing the number of his license, he shall immediately inform the Register of such loss. He shall at the same time furnish the Register with an affidavit of such loss, and the Register shall at once cause such number to be cancelled for the current year, and also notify the Chief of Police of the fact of the loss of such number. Upon being satisfied of the loss of any number, the Register shall furnish a new number to the applicant, and mark on his roll opposite such new number, the words, "Issued in place of number —, —, lost" (filing blank with the lost number), the applicant paying for such new number the sum of 75 cents to cover all expenses of issuing the same. It shall be a misdemeanor for any person to use any such cancelled number, and any one convicted thereof shall be fined not less than \$1 nor more than \$50 for each offense, and each day's use thereof shall be a separate offense.

Loss of metal
license num-
ber—how sup-
plied.

¹ Section 571 passed November 20, 1883.

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Hackney
coaches
defined.

Sec. 573. All vehicles drawn by one or more horses, for the transportation of passengers, for hire, shall be deemed hackney coaches; and wherever the words hackney coaches occur in this chapter they shall be construed to embrace all such vehicles.

Vehicles not
to stand near
premises.

Sec. 574. It shall be a misdemeanor for any owner, or any one in charge of any vehicle of any description whatsoever, to stand the same, or allow the same to remain on the street, around or in the vicinity of Court Square, for any period of time, or in front of, or near any business or dwelling house, structure or premises on any street, alley or avenue of the city, without the written permission of the owner or occupant of said house or premises, countersigned by the Chief of Police, and then only upon condition that such stand be at all times kept clean and free from all litter, dirt and filth, by the party obtaining such permission.¹

Hack stands
located.

Sec. 575. That the present hack stand on South Court street be, and it is hereby abrogated, and in lieu thereof that the white hackmen be allowed to occupy any of the east and west streets between Main and Second, and between Main and Front, except Madison and North Court streets, but not more than three hackmen shall stand at the same time in any one block, the hacks on each block to stand at such points as may be designated by the Chief of Police. The colored hackmen will be allowed to continue to stand as heretofore on North Court street.²

Penalty for
occupying un-
authorized
hack stand.

Sec. 576. *Be it further ordained*, That any hackman occupying a stand not designated by the Chief of Police, or any hackman occupying a stand on any of said blocks where three other hacks shall be already standing on said block, or any hackman occupying a stand except as permitted by this ordinance, shall

¹ Section 574 passed March 22, 1880.

² Sections 575 and 576 passed April 4, 1895.

VEHICLES, LICENSE AND REGULATIONS.

be guilty of misdemeanor, and upon conviction fined not less than \$1 nor more than \$50.²

Sec. 577. *Be it ordained by the Legislative Council of the City of Memphis,* That the rate of compensation for the use of any hackney coaches within the City of Memphis shall be as follows:

Hackney coaches.

A. For transporting passengers with valises, carpet sacks and other articles of light baggage, from or to any railroad depot, hotel or steamboat landing in the city, within the city limits as they existed prior to the act of 1899, for each passenger 50 cents; for each trunk, 50 cents.

Rate of charges old city limits.

B. For transporting passengers with valises, carpet sacks and other such articles of light baggage from or to any railroad depot, hotel or steamboat landing in the city, beyond the old city limits, as they existed prior to the act of 1899, and within the territory bounded on the east by Watkins avenue, Garland avenue and the extension thereof, for each passenger, 75 cents; for each trunk, 75 cents.

Within limits of Watkins, Garland, etc.

C. For transporting passengers or valises, carpet sacks and such like articles of light baggage from or to any railroad depot, hotel or steamboat landing in the city, and without the territory included in sections "A" and "B," for each passenger, \$1; for each trunk, \$1.

East of Watkins ave., etc.

D. For one day's use for coach and driver, \$10.

One day's use.

E. For use of coach, containing complement or less of passengers, with privilege of going from place to place within the city or vicinity, for the first hour, \$2; for each successive hour until the charge shall reach \$10, \$1.

Going from place to place.

Double the above rate may be charged after 9 o'clock p. m., except to and from steamboat landing to hotel, and to and from railroad depot to hotel, said compensation shall only be 50 cents

Double rate after 9 o'clock p. m., etc.

² Sections 575 and 576 passed April 4, 1895.

VEHICLES, LICENSE AND REGULATIONS.

for one passenger, and 50 cents for one trunk; *provided, however,* that the charge for the first hour's use of coach shall not exceed \$2.

Copy of charges to be posted.

Sec. 578. Every public hackney coach shall have a printed copy of the rates of compensation enumerated in Section 1 of this ordinance, placed on the inside thereof.³

Charge for transporting baggage.

Sec. 579. The charge for transporting baggage alone, within the city, shall be, for the ordinary baggage of any individual, the same as is allowed for each passenger.

Transfer wagons must have license.

Sec. 580. No person shall drive within the city, for hire or wages, or cause to be driven, any cart, sled, truck, dray or wagon, for the transportation of any merchandise, goods or other articles of any kind, or drive or cause or permit to be driven any hackney coach, cart, omnibus or stage, for the transportation of passengers, without having obtained a license therefor, according to the provisions of this chapter.

Width of tires of licensed vehicles.

Sec. 581. From and after January 1st, 1884, no vehicle subject to license shall be allowed to run or haul over the paved streets of the city, unless the tires of each wheel of the same shall be of the width as follows:

For 4-horse wagon or truck, 3½ inches.

For 2-horse cart or dray, 3 inches.

For 2-horse omnibus, spring or express wagon, 3 inches.

For 1-horse omnibus, spring or express wagon, 1½ inches.

For 1-horse omnibus, spring or express wagon, without springs, 2 inches.

For 1-horse drays or carts, 2¾ inches.

For 2-horse wagons for hauling heavy freight, 3 inches.

For 2-horse wagons for hauling heavy freight, with springs, 2½ inches.

³ Sections 577 and 578 passed March 21, 1907.

CONTRACTS.

And each and every one running or allowing any vehicle of the character aforesaid owned or controlled by him or her, having a less width of tire than the aforesaid, to be run upon any of the paved streets of the city, shall be guilty of a misdemeanor; and, upon conviction thereof before the Police Court, shall be fined not less than \$1 nor more than \$50 for each and every offense; and each day's running of the same, or any of them, shall be a distinct and separate offense.¹

Penalty for violation.

Sec. 582. In no instance shall more than one driver or person be permitted to sit or ride on the driver's seat of any carriage, hack or coach, for which a license has been issued; and in the event that two drivers, or two individuals pretending to be drivers, are found on the driver's seat, it shall be deemed a misdemeanor, and the owner of said carriage, hack, or coach, shall be liable to a fine of not less than \$1 nor more than \$50; and upon the fact being made known to the Mayor, he shall have power to revoke the license that may have been issued for the running of said carriage, hack or coach.

Only one person to sit on seat of licensed hack.

Sec. 583. Any violation of the provisions of this chapter shall be deemed a misdemeanor; and, where fines have not been specially provided, shall subject the offender to a fine of not less than \$1 nor more than \$50, upon conviction before the Police Court.

Penalty for violation.

ARTICLE 35.

CONTRACTS.

Sec. 584. All contracts to which the city shall be a party shall be made in conformity with the powers delegated in the act establishing the same, and be signed as provided therein.²

Must conform to act authorizing.

¹ Section 581 passed August 19, 1882.

² Ante Section 7, Taxing District Act.

CONTRACTS.

Paving contracts must authorize rejection of inferior material.

Sec. 585. All contracts for grading and paving any street, avenue, sidewalk or wharf, shall contain a provision that if the contractor, or any other person, shall bring, or cause to be brought, on said street, avenue, sidewalk or wharf, any materials which do not strictly conform to the contract or city ordinances, the Engineer, or other proper officer of the city, shall, on behalf of the city, have the right to order the same to be removed forthwith from off such street, avenue or wharf; and in case of neglect or refusal of the contractor, or those employed by him, to remove such material, then to cause the same to be removed at the expense of the contractor, and to deduct the expense of such removal, and all other expenses thereon, from the account of the contractor.

Forfeiture clauses in city contracts.

Sec. 586. All contracts for any public work or improvements shall contain a provision that the damages for each day's neglect to finish the work according to contract beyond the time fixed therein, shall be \$10, when the gross amount to be paid the contractor shall be \$5,000 or less, and \$10 a day additional for every \$5,000 beyond that sum, or such amount as may be prescribed at the time by the Board of Public Works, to be specified in the contract, and the same is to be deducted as fixed and settled damages from the contract price of the work before the contractor is paid, and in settlement with such contractor the amount of the same is to be charged to him as so much paid on his contract.

Contracts must limit liability to department doing the work.

Sec. 587. All contracts to which the city is a party must contain a provision that the other contracting party must look alone for payment to the fund specified in the act establishing this city,³ for the particular service or department in which the work is to be done, and none other, for the year for which the same is levied and collected, and that the contract is not to create

³ Ante Section 12, Taxing District Act.

MISDEMEANORS.

any general liability against the city, but only against said fund, and none other.³

Sec. 588. All moneys received and receivable for rents of any and all property belonging to the city, are devoted, and are to be expended in the improvement of the property from which such rents are received and receivable.⁴ City rents—
how applied.

ARTICLE 36.

MISDEMEANORS—OFFENSES AFFECTING GOOD MORALS AND DECENCY.

Sec. 589. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts, and any person convicted thereof shall be fined not less than \$1 nor more than \$50:

To keep a gambling saloon; or for any one to keep or have in his possession any table, cloth, box or devices for the purpose of gaming. Keeping gam-
bling saloon.

Sec. 590. To play at any game of chance or hazard for money or other valuable thing, or in any way to aid, abet, countenance or encourage such game. Play game
of chance.

Sec. 591. To maintain one's self by gaming or other undue means, or remain at hotels or in the city for the purpose of gaming. Gamble for
living.

Sec. 592. To witness any game of chance for money or other valuable thing, without at once reporting the same to some officer of the law. Witness gam-
bling without
reporting.

Sec. 593. To have in actual or constructive possession any instrument or thing used for the commission of burglary, or for picking locks or pockets, or any swindling device. Possess bur-
glars' tools or
swindling de-
vice.

³ Ante Section 12, Taxing District Act.

⁴ Passed August 4, 1881.

MISDEMEANORS.

Keep or permit to be kept house of ill-fame.

Sec. 594. To keep a house of ill-fame or assignation house; or to permit any house owned by any one, or under his, her or their control, to be kept for the purpose of prostitution.

Circulate or exhibit obscene literature.

Sec. 595. To publish, circulate, give or sell, or cause to be published, circulated, given or sold, any book, writing, print, picture, newspaper pamphlet or other work of an obscene, licentious, lewd, libidinous or libelous nature; or to publicly exhibit any lewd, obscene, indecent or libelous picture.

Sell liquors on Sunday.

Sec. 596. To sell, deal out or give away, on Sunday, any spirituous or malt or vinous liquors, from any grocery, tippling-house or other place of business.¹

Keep open business place Sunday—except, etc.

Sec. 597. To keep one's place of business open on Sunday, or sell on that day any goods, wares or merchandise; except tavern-keepers, who may furnish meals and refreshments to actual guests; livery stable keepers; apothecaries, who may sell necessary medicines; and confectioners, who may sell ice cream, soda water and cakes; *provided*, that bakers may keep open their bakeries for the sale of bread until 10 o'clock a.m., and from 5 to seven p.m. on the Sabbath; and ice dealers may sell and deliver ice, as on other days.²

Drive beer wagons, etc., through city on Sunday.

Sec. 598. To drive through the city, on Sunday, any mineral water, ale, beer or porter wagon, or any vehicle for like purpose; or to drive on that day, for hire, any dray, wagon or other vehicle for the transportation of goods, wares and merchandise, except in case of urgent necessity.

Play billiards, etc., on Sunday.

Sec. 599. To play on Sunday in any licensed house, at billiards, ten-pins, cards or other games.

Enter tippling house Sunday.

Sec. 600. To permit any person, except actual and regular employes, to enter any tippling-house on Sunday.

¹ See ante Section 566.

² Ordinance allowing barbers to keep open until 10 o'clock Sundays repealed February 9, 1888.

MISDEMEANORS.

Sec. 601. To keep open any tippling-house, or permit the same to be kept open after twelve o'clock at night, or to permit any person other than the proprietors and regular employes to enter or remain within such place after that time, until four o'clock the next morning.

Keep open
tippling house
between 12
and 4 o'clock
a. m.

Sec. 602. For any keeper of a retail liquor saloon, gambling-house, assignation house, or house of ill-fame or any one in charge of such saloon, house or houses, to permit a minor, under twenty years of age, to enter the same or play at any game or buy or drink any spirituous, malt or vinous liquors in the same.³

Permit minors
to enter sa-
loon or house
of ill-fame.

Sec. 603. For any keeper or person in charge of any billiard-room or saloon to allow any minor, under twenty years of age, to lounge about the same, or to play at billiards or any other game in the same, without the written consent of said minor's parents or guardian.³

Permit minors
to lounge
about saloon,
etc.

Sec. 604. To appear in a public place in a state of nudity, or to bathe in such state in the daytime in the river or bayou, or to appear in public in the dress of the other sex, or in an indecent or lewd dress, or to do any obscene or indecent act in any public place.

Appear in
nude or inde-
cent dress.

Sec. 605. To be an inmate of a house of ill-fame, or to be found in such a house for lewd purposes.

Inmate of
house of ill-
fame.

Sec. 606. For any woman of the town, or prostitute, to walk the streets after 9 o'clock at night, or at any time, to solicit any person on the street, or in any place, to accompany her, or to meet her at any place for purposes of prostitution.

Street
walking.

Sec. 607. For any person who, having no apparent means of subsistence, to neglect to apply himself or herself to some honest calling, or for any one to be found loitering about saloons, or

Vagrants.

³ Sections 602 and 603 passed June 10, 1880.

MISDEMEANORS.

dram shops, gambling-houses, or houses of ill-fame, or tramping or strolling through the city, without any visible means of support, or begging anywhere in the same. And it is hereby made the duty of the Chief of Police, and all officers and subordinates under him, to arrest all vagrants, and carry them before the Mayor to be tried and dealt with according to law.

Loitering
around
saloons.

Sec. 608. For any person to be found loitering about a disreputable or disorderly saloon or dram shop, or about gambling-houses or houses of ill-fame.⁴

Woman found
in saloon.

Sec. 609. For any woman to be found in any saloon, barroom, or dram shop; *provided*, this ordinance shall not apply to women who own or operate, or to the families of men who own or operate saloons, barrooms or dram shops, or to women who may be employed in the same or may be there on business.⁴

Vagrants.

Sec. 610. For all persons able of body to work, and not having estate or means otherwise to maintain themselves, who refuse to do so, and exercise no ordinary calling or lawful business to gain an honest livelihood, leading idle or dissolute lives, shall be deemed vagrants within the meaning of this ordinance. And every person who, after having been directed by any officer or member of the police force to move away therefrom, shall idly remain or loiter in front or in the neighborhood of any church or other place of public worship in said city, during the service therein, or while the members of its congregation are repairing to or returning from such church or other place of public worship; every person who, after having been directed by any member or officer of the police force to move away therefrom,

Defined.

⁴ Sections 608 and 609 passed July 13, 1906.

MISDEMEANORS.

shall idly remain or loiter in front of or in the neighborhood of any theater, concert hall, ballroom or other public place of amusement in said city during the time that such place shall be or remain open to the public, or while the public are repairing thereto or returning therefrom; every person who, after having been directed by a member or officer of the police force to move away therefrom, shall idly remain or loiter in front of or in the neighborhood of any coffee-house, barroom or bar-saloon within the limits of said city; every person who shall, without legitimate business or purpose, idly remain or loiter on the sidewalks or public streets of said city between the hours of 10 a. m. and 11 p.m., after having been notified to move away therefrom by any officer or member of the police force; every common prostitute wandering the public streets, or in any place of public resort, and behaving in a riotous, disorderly or indecent manner; every habitual drunkard, who shall abandon his or her family, or shall refuse or wilfully neglect to aid in the support of his or her family, shall be deemed a vagrant, drunken or disorderly person within the meaning of this ordinance.¹

Loitering in
public places.

Sec. 611. To put up in any conspicuous place, within the limits of the city, any board, sign or advertisement of any patent medicine or other articles, which shall be of such a nature as to be indelicate or offensive to ladies passing on the streets or highways, and it is hereby made the duty of the police of the city to take down and remove all such advertisements found within the limits of the city, and to arrest all persons, to be dealt with as in the case of other misdemeanors; who may be found replacing them.

Offensive
advertisements.

Sec. 612. To inhumanly, unnecessarily or cruelly beat, injure, by whip or other instrument whatever, or otherwise abuse any dumb animal.²

Cruelty to
animals.

¹ Section 610 passed March 22, 1888.

² See acts to prevent cruelty to animals, Acts of 1881, Chapter 149, page 231.

MISDEMEANORS.

Overloading
animals.

Sec. 613. To overload any vehicle used as an instrument for the conveyance of property or persons in the city, and when any one is found so doing, it shall be the duty of the police, or any officer of that department, to notify such person or persons in charge to remove at once from off said vehicle so much of weight as, in their judgment, and according to the circumstances and situation, may be necessary to relieve the overburdened animal or animals attached thereto; and the refusal to comply shall be a misdemeanor.

ARTICLE 37.

OFFENSES AFFECTING PUBLIC PEACE AND QUIET.

Sec. 614. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than \$5 nor more than \$50:

Drunk in
public place.

Sec. 615. To be drunk or in a state of intoxication in any public place.

Drunk and
annoying.

Sec. 616. To be drunk in any private place, to the annoyance of others.³

Obscene and
disorderly
language.

Sec. 617. To use rude, boisterous, offensive, obscene or blasphemous language in any public place, or to make, aid, countenance or assist in making any improper noise, disturbance, breach of the peace or diversion, or conduct one's self in a disorderly manner, in any public place, or in any other place, to the annoyance of others.

Commit
assault.

Sec. 618. To commit an assault, or an assault and battery.

Abusive or
insulting
language.

Sec. 619. To address any abusive or insulting language to another.

Resisting or
abusing
officer.

Sec. 620. To use abusive language to any officer or member of the police force, or for any one to assault or commit a battery

³ Section 616 amendment May 11, 1882.

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upon any officer or member of the same, or to resist any officer or member of the same, or to escape from, or assist or aid in the escape of any one, from any officer or member of the same.⁴

Sec. 621. To keep a disorderly house, by making, or causing to be made therein, loud or improper noises, or by collecting therein drunken, noisy, and disorderly persons, to the annoyance of others and the disturbance of the neighborhood. Disorderly house.

Sec. 622. To employ any device, noise, or performance tending to the collection of persons on the streets, or other public places, to the obstruction of the same, or to exhibit any tricks of legerdemain, or other devices of a like kind, or perform with bells, organs, or other instruments upon any of the streets, public squares or promenades. Collecting crowds on streets.

Sec. 623. To disturb or disquiet any congregation or assembly, met for religious or other lawful purpose, by making any noise, or by rude and indecent behavior, or by boisterous or profane discourse within or near such place. Disturbing religious worship.

Sec. 624. To wilfully give or make a false alarm of fire [through telephone or otherwise].¹ False fire alarm.

Sec. 625. To put up or repair any telephone, or to put up or repair any telephone wire or other wire which crosses or approaches as near as three feet to the wires of the Fire Department without first notifying the Chief of the Fire Department.² Placing wire in 3 feet of Fire Dept. wires.

Sec. 626. To interfere with the Fire Department alarm boxes, or telephones, or telephone wires.² Interference with Fire Dept. boxes, etc.

⁴ Section 620 passed February 10, 1881.

¹ See Section 137 ante. In brackets added September 27, 1880.

² See Electric Wire Ordinance, Section 164 et al. ante. These two sections passed September 27, 1880.

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Telephone
poles to be of
cedar, steel,
etc.

Sec. 627. For any firm, corporation, or individual now, or hereafter owning and operating a telephone, telegraph, electric light or electric power line, or any other company, in said City of Memphis, to put up, for the purpose of maintaining their wires, any post or pole other than chestnut, red cedar or steel.³

Interfere
with election.

Sec. 628. To interrupt any election pending under any law of this State or of the United States; or to make any disturbance for the purpose of interrupting such election; or to attempt to invalidate or prevent such an election by breaking up or removing or seizing upon the ballot-box; or to prevent or deter any voters, by any means, from voting; or to change or destroy any ballot put in the ballot-box.⁴

Burial in
Winchester
Cemetery.

Sec. 629. To bury any dead body in any portion of the grounds known as Winchester Cemetery. And it shall be the duty of the Chief of Police to cause the immediate removal of any dead body, and the reburial of the same in a proper manner in some established burial ground, or in such other place as he and the Mayor may designate for the purpose.

Enticing per-
sons to trade.

Sec. 630. To entice or attempt to entice away from any business house any one trading therein or entering therein, or to enter into any business house, or stand on the street or sidewalk in front of any business house, for the purpose of enticing any one therefrom.⁵

Masked ball
without
permit.

Sec. 631. For any person to give a masked ball in this city without having obtained a written permit for the same from the Mayor.

Sale of sling
shots.

Sec. 632. For any one to sell or give away to any minor or to any person, what is known as rubbers, for the purpose of making what is known as sling-shots, or any other material that can

³ Section 627 passed February 24, 1905.

⁴ Ante Section 6 Taxing District Act.

⁵ Section 630 passed September 27, 1880.

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be used for this purpose, or to sell or give away any sling-shot already made; or to have the same in stock or on hand for sale.⁶

Sec. 633. To smoke cigarettes, cigars or pipes, in any theater, hall, public building, store, warehouse, factory, or on the premises of any establishment, public conveyance or rear platform of street cars, or anywhere that smoking is dangerous (provided that signs of a suitable size are posted in such places where they can be seen.)⁷ Smoke in public buildings.

ARTICLE 38.

REGULATING THE RATE OF SPEED FOR HORSELESS VEHICLES OF

ALL KINDS.

Sec. 634. No horseless vehicle propelled by the use of electricity, gasoline or steam, by whatever name such vehicle may be known, whether used for purposes of pleasure or business, shall be moved or propelled along, over or upon any public street, avenue, boulevard or other public place, at the rate of speed exceeding eight miles per hour in the original eleven wards, and not to exceed twelve miles per hour in the annexed district. 8 and 12 miles per hour in old and new wards respectively.

Sec. 635. All drivers or owners of such horseless vehicles shall register with the City Register⁸ their full name and residence, together with a brief description of their vehicle; and said vehicle shall be provided by the owner thereof with a number which shall be conspicuously displayed upon the rear of the vehicle, so as to be plainly visible, the figures to be separate Arabic numerals not less than three inches high and the strokes not less than three-eighths of an inch in width. Numbers shall not be transferred from one vehicle to another; nor shall machine numbers be loaned from one person to another; nor shall fictitious Vehicles to be registered.

⁶ Section 632 passed February 23, 1888.

⁷ Section 633 passed December 8, 1904.

⁸ Register with County Court Clerk. See Acts of 1905.

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numbers be used. *Provided, however,* that this section shall not apply to non-residents of the City of Memphis, not remaining in the city a longer period than five days.

Alarm bell
lamp.

Sec. 636. All such horseless vehicles shall be provided with an alarm bell or horn, and shall carry a lighted lamp with registered numbers not less than seven-eighths of an inch high painted on same from half an hour after sunset until half an hour before sunrise.

To stop when
horses take
fright.

Sec. 637. The driver or operator of any horseless vehicle shall always stop the said vehicle whenever it causes horses to take fright, or whenever he is requested by the occupant of any vehicle propelled by animal power to stop until such other vehicle has passed. The driver or operator of said horseless vehicle shall be governed by the commonly accepted rules of the road, turning to the right hand side in meeting vehicles and teams and persons moving or headed in the direction opposite to that in which he is moving; and by turning to the left hand side in passing vehicles, teams and persons moving or headed in the same direction in which he is moving.

Noise of
motor.

The driver or operator of any horseless vehicle shall never leave the vehicle without first having taken necessary precaution for preventing any accident and for subduing the noise of the motor, said motor not to be left running over five minutes after

Tampering
with vehicle.

the vehicle has been stopped; and any one tampering with any vehicle described above—in the absence of its occupants while upon the highway—shall be immediately arrested for a breach

Mufflers.

of the peace and disorderly conduct. All gasoline motors shall have complete mufflers and no machine shall be operated in the city limits with "cut out" valves open.

No special
rights of way.

Sec. 638. That nothing herein contained shall be construed to give to horseless vehicles any special right of way over any high-

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way, and that the mere sounding of any gong or alarm signal shall not in any way indicate any special privilege to the right of way, or any necessity for any other vehicles or pedestrians to yield their rights to the highway as existing under the common law.

Sec. 639. Any person violating any of the provisions of this Violation.
ordinance shall be guilty of a misdemeanor and on conviction shall be subject to a fine of not less than \$5 nor more than \$100.¹

ARTICLE 39.

OFFENSES AFFECTING PUBLIC SAFETY.

Sec. 640. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than \$1 nor more than \$50:

Sec. 641. To ride or drive with unnecessary or dangerous speed Reckless driving.
in the streets; to ride or drive any animal or animals at a pace dangerous to life or limb of pedestrians; or to ride or drive on any of the gutters or sidewalks of the city; or propel over or leave standing on the same any hand car or cart.

Sec. 642. It shall be unlawful for any person or persons to drive any wagon, dray or other vehicle, whether loaded or Regulating use of Main street from Beale to Poplar.
unloaded, other than those used exclusively for passenger purposes, for more than one block at a time upon or over Main street between Beale avenue on the south and Poplar avenue on the north.

This ordinance shall in no way affect the rights of the Memphis Street Railway Company to operate its construction and gravel cars over the said street and upon its line.

¹ Sections 634 to 639 passed September 23, 1903.

¹ Section 642 passed June 15, 1907.

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Leave horses unhitched. Sec. 643. To leave teams, horses or mules attached to any vehicle standing unhitched on any of the streets, or the public landing, without a competent person to take charge of the same.

Intoxicated or asleep while driving. Sec. 644. To become intoxicated, or go to sleep while driving or in charge of any vehicle on the streets or public landing of the city.

Leave vehicle on crossing. Sec. 645. To stop any vehicle, or leave the same standing upon the crossings of the streets.

Careless driving. Sec. 646. To drive through the streets in so careless a manner as to endanger the vehicles and property of others.

Bicycle without lantern. Sec. 647. For any person to use a bicycle on any street or public grounds of the city after dark except upon condition of carrying thereon a lighted lantern of at least one candle power.¹

Engine or cars faster than 6 miles per hour. Sec. 648. To run any engine or train of cars on any railroad running into the city, on which cars are propelled by steam, at a greater speed than six miles an hour within the limits of the city.²

Fly kites, balloons, etc., without permission of Mayor. Sec. 649. To fly kites, [balloon or balloons, without written permission of the Mayor],³ throw missiles, discharge fireworks, or do any act or make any noise likely to frighten horses or alarm or injure people, or impede the free passage of vehicles or footmen along the streets.

Discharge firearms. Sec. 650. To discharge any firearm within the city, unless in self-defense, or while executing some law.

Uninsulated or dangerous electric wires. Sec. 651. For any person, firm or corporation to have, use or maintain within the limits of the city, electric wires so charged

¹ Section 647 passed July 28, 1891.

² See Post Section 670.

³ In brackets passed May 11, 1882.

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with electricity as to be dangerous to the persons or property of the city. Every such wire shall be so insulated by the most approved methods as to render the same harmless to persons or property.⁴

Sec. 652. For any telegraph, telephone or electric light wire to hereafter be left hanging so as to reach the ground or come so near thereto as to endanger persons or property within the city, by contact with the same.⁴ Hanging electric wires.

Sec. 653. For any loose or dead wire to be hereafter left on or near public streets, alleys or grounds, so that persons, animals or vehicles may become entangled therewith or come in contact with the same.⁴ Dead electric wires.

Sec. 654. To carry concealed on or about the person any pistol, bowie-knife, dirk or other deadly weapon. [Or to carry any pistol, slung-shot, dangerous knife, or any other deadly weapon of like character at all or in any manner, except in self-defense or while executing some law, or to carry through the streets or other public place in the city any loaded gun.]⁵ Concealed weapons.

Sec. 655. To leave open any cellar or vault door, or grating, on any sidewalk, or to suffer any sidewalk in front of one's premises to become or continue so broken as to endanger life or limb; or permit any well, cistern, or other excavation to remain open and uncovered, to the danger of others; or to place any sign, shade tree or other thing, so as to obstruct the light from any public lamp. And all such obstructions now existing shall be at once removed by the parties responsible therefor, and if any one fails to remove any such obstruction within five days after notice by the police to do so, every one so offending shall be guilty of a misdemeanor. Dangerous sidewalks or obstructing city lights.

⁴ Sections 651, 652 and 653 passed October 18, 1888.

⁵ In brackets passed May 5, 1881.

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Leave dangerous wall standing.

Sec. 656. To leave standing any wall or building owned or under the control of any one, which shall be dangerous to passers-by, after twelve hours' notice to remove the same.

Mischievous animal at large.

Sec. 657. To permit any dangerous or mischievous animal to run at large.

Sec. 658. To violate any of the following provisions in relation to gunpowder and powder magazines:

No powder magazines shall be erected or kept within the limits of the City of Memphis.

Powder magazines, for storage and transportation—regulations.

No merchant or other person shall keep on hand or in his store, or on his premises, within the city, more than fifty pounds of gunpowder at any one time, and not exceeding twenty-five pounds over night, and this quantity shall be kept in a safe and secure box or canister completely closed.

No vehicle employed to carry powder about the city for sale or distribution shall carry more than ten kegs at a time; and said vehicle shall be so arranged as effectually to cover up the kegs, and to guard and protect the same from public view and from accidental fire.

No boat shall deliver at this port more than ten kegs of gunpowder at any one time, without permission of the Wharfmaster, and all gunpowder delivered from boats shall be delivered under the special superintendence of said officer, and according to his direction. And no person shall sell, or be allowed to sell, any gunpowder on board of or from any flatboat at this landing.

Penalty for concealing powder.

Sec. 659. No person shall send to or deliver in the city any powder concealed in any box or barrel, or in any other manner, purporting to be any other article, under penalty of confiscation of the whole package, in addition to the fines imposed for violations of the provisions of this chapter.

Confiscation of concealed powder.

Upon information given and sworn to before the Mayor, it is hereby made the duty of the Chief of Police to obtain a search

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warrant from the Mayor, and make examination of the premises named in the information, for powder, and if more powder be found therein than is allowed by these ordinances to be kept, the said gunpowder shall be confiscated to the use of the city, and the offender shall be fined as herein directed.

Sec. 660. No powder manufactory shall be allowed to be erected or carried on within this city, or within one mile of the same, all such establishments and manufactories being declared nuisances. And if any such establishment shall be begun or carried on, or if any powder-house or magazine shall be erected and used without the special license aforesaid, on report and proof made to him, the Mayor shall order said nuisance to be abated immediately by the Chief of Police.

Powder factory not allowed in city nor within 1 mile of limits.

Sec. 661. For any person to place any straw, dirt, chips, shells, swill, nails, iron, glass, fruit peelings, melon rinds, paper, shavings, rags, hair, whether offensive to health or not and whether it amounts to an obstruction or not, or to permit any such rubbish to be thrown by others, or to remain in front of one's house or business place, in any improved or graded, or paved street, alley, or sidewalk of the city.

Scattering trash or dirt.

Sec. 662. And the feeding of live stock in or on any of the streets, alleys or public grounds of the city is prohibited, unless such feeding be done with a muzzle, so that the food cannot be scattered or left upon the streets, sidewalk or public ground.¹

Feeding unmuzzled live stock in street.

Sec. 663. For any person to permit any of the articles enumerated in the preceding section to remain or lie upon the sidewalk in front of the premises occupied by him or her.

Trash or dirt on sidewalk.

Sec. 664. For any owner, occupant or agent of any property to allow grass, weeds, vegetation or other objectionable things to

¹ Section 662 passed January 7, 1897.

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grow, or be, or remain on any lot or sidewalk to the annoyance or hurt of the public, punishable by a fine of not less than \$1 or more than \$50.

In case the owner, occupant or agent shall fail on five days' notice to comply with this ordinance, or in case they cannot be found, then the Engineer may have the cleaning done at the expense of such owner, the amount thereof to be recovered by suit of the city in any court having jurisdiction.²

Wagons having signs to frighten horses.

Sec. 665. To drive, or cause to be driven, any wagon or other vehicle about the streets of the city, with any transparency or sign calculated by its appearance to frighten horses, or be a source of annoyance to persons in the street.

Hang signs over sidewalk.

Sec. 666. For the occupant or owner of any building to have or erect any hanging or other sign or signs over the sidewalk of any street in the city.³

Baseball in city.

Sec. 667. To play the game of baseball, or to throw balls in sport, on any street or alley or any other public place within the city, or to play the same in any lot or yard, to the annoyance of others.⁴

Drive mules rapidly through city.

Sec. 668. To drive through the streets of the city at a fast gait, any drove or droves of mules, horses, or cattle; and in driving mules, horses or cattle the person in charge of same shall be required to use Third or Front streets, as far as possible, in passing through the city.

Driving or permitting cattle on sidewalk.

Sec. 669. It shall be a misdemeanor for any person or persons to ride or drive a horse, mule or any other stock, on any sidewalk within the city. It shall be the duty of the owners of stock or cattle, as well as of their servants, not to drive such stock

² Section 664 passed October 8, 1908.

³ Section 666 passed May 15, 1880. This section is amended by Electric Sign Ordinance. See post Section 767 passed November 5, 1903.

⁴ Section 667 passed May 3, 1881.

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or cattle through any street of the city without having them under control, so as to prevent them from going on the sidewalks; and in case any cow, horse, mule or other stock driven through any street of the city shall go upon any sidewalk within the city, the servant or person driving them shall be guilty of a misdemeanor and punished by a fine of from \$1 to \$50 on conviction.

Sec. 670. All railroads, whose trains of cars are drawn by steam engines, within the limits of this city, shall provide flagmen for each street such trains may cross; and these flagmen shall be kept constantly on duty at each street when such train crosses, and until the engine has crossed such street, waving a flag in daytime, and a red lighted lamp at night, to give warning to all of the approaching train; and the engineer on each of such trains shall keep the bell constantly ringing while his train is passing through the city, and shall not permit the whistle to be blown while passing through the city; and any and all persons or railroad companies offending against this ordinance shall, upon conviction before the Mayor, be fined not less than \$1 nor more than \$50 for each and every offense; and a failure to comply therewith, at each and every street crossing, shall be deemed a distinct and separate offense.⁴

Flagman to be kept at each railroad crossing.

Penalty for violation.

Sec. 671. All railroad safety gates now in use or hereafter constructed in the city shall be so counterbalanced, or otherwise arranged, that they cannot fall to a horizontal position by their own weight. The use by any railroad company of safety gates not constructed in accordance with the above section, shall be deemed a misdemeanor, punishable by a fine of not less than \$25 nor more than \$50; and the Chief of Police is ordered to have this ordinance rigidly enforced.¹

Railroad gates—regulations applicable to.

⁴ Section 670 passed January 17, 1880; as to power to pass, see ante Section 3 Taxing District Acts.

¹ Section 671 passed July 24, 1890.

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Obstructing
passage to
railway
trains.

Sec. 672. For any person to obstruct the passage of persons going to or from the cars of any railroad at any station or depot within the limits of the city by standing in the way or crowding upon, or in any other manner obstructing the free passage along or upon the platforms and ways leading to and from the depots to the trains, or for any one except employes of the said roads, to be found jumping upon, or attempting to jump upon, climbing upon, or attempting to climb upon or between the passenger or freight cars or engines of any railroad passing through any part of the city.²

Jumping on
railway
trains.

Plank crossing
to be placed
at railroad
crossing.

Sec. 673. Every steam railroad, the track or tracks of which cross a street of the city, shall be and is hereby required to lay and maintain a plank crossing at the street so crossed; such crossing to be of oak or other hard wood, not less than three inches thick, and to be laid within the rails, and two feet on each outside for the entire width from property line to property line of the crossed street, flush with the surface of the rails, and so as at all times to afford a good and safe crossing. Failure to comply with this section shall be and is hereby declared a misdemeanor, and shall subject the offender to a fine of not less than \$1 nor more than \$50.³

Dummy lines
—fuel for.

Sec. 674. Dummy lines or railroads running into the city are hereby forbidden to use, within the limits of the city, and for one mile outside thereof, any fuel except coke or anthracite coal.⁴

Railroad cul-
verts and
bridges to be
iron or stone.

Sec. 675. From and after the passage of this ordinance it shall be unlawful for any railroad company having tracks or obtaining the right of way to lay tracks in the corporate limits of the city, to construct, alter or change, or to repair any wooden bridge, culvert or trestle, but, in all instances hereafter, bridges,

² Section 672 passed May 11, 1882.

³ Passed August 6, 1891.

⁴ Section 674 passed May 23, 1889.

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culverts or trestles shall be constructed of stone or iron; and when any wooden bridge, culvert or trestle needs repairs, it shall be torn away and one of stone or iron constructed in its stead. The plans in all instances to be submitted to and approved in writing by the City Engineer before any work shall be done on same. A violation of this section shall be a misdemeanor, and on conviction thereof the offender shall be fined not less than \$1 nor more than \$50 for each offense; and each and every day's violation thereof shall constitute a separate and distinct offense, and punishable as for the first offense.⁵

Sec. 676. It shall be a misdemeanor to sound or blow the whistle of any steam engine within the city limits, except when the same is sounded as required by the statute laws of Tennessee.⁶

Sounding whistle contrary to statute.

Sec. 677. No locomotives shall be allowed to be used within the city without being provided with extension front and double netting, said nettings being not less than four (4) meshes to the inch and with approved spark arresters; and that failure to provide the same be declared a misdemeanor, punishable upon conviction by a fine of not less than \$1 nor more than \$50.⁷

Netting prescribed for locomotives.

Sec. 678. No railroad company or locomotive engineer entering the city shall permit any steam locomotive while steam is up to stand within sixty feet of any street crossing other than regular depots, for a longer interval than five minutes.

Any railroad company or locomotive engineer violating this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$2 nor more than \$50 for each and every offense.

Sec. 679. It shall be unlawful for any persons, firm or corporation to park railway cars within the city limits of the City

⁵ Section 675 passed August 12, 1889.

⁶ Section 676 passed June 19, 1890.

⁷ Section 677 passed January 20, 1887.

REGULATING SALE OF FRUIT, VEGETABLES, ETC.

of Memphis nearer than 150 feet to any grade crossing of any of the streets and alleys of the City of Memphis occupied with the tracks of any railway company in the City of Memphis.

Any person, firm or corporation violating Section 679 of this digest shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$1 nor more than \$50 for each offense.⁸

Sec. 680. That all persons, firms or corporations in the inner fire district of the City of Memphis, keeping samples of cotton on exhibit, shall be required to keep one chemical fire extinguisher, of approved pattern, for every two thousand (2,000) feet of floor space occupied, or used, as a cotton sample room; which fire extinguisher shall be kept in good order and conveniently located for use in case of fire.

That it shall be a misdemeanor for any person, firm or corporation to keep or maintain samples of cotton within the inner fire district, as set out in Section 680 of this digest, without keeping a chemical fire extinguisher of approved pattern, as therein provided. And upon conviction they shall be fined not less than \$1 nor more than \$50. Each day that this ordinance shall remain uncomplied with shall constitute a separate offense.⁹

ARTICLE 40.

REGULATING THE LICENSE OF SALES OF FRUIT, VEGETABLES OF OTHER
ARTICLE, TO BE MADE UPON THE STREETS AND ALLEYS OF
THE CITY OF MEMPHIS, TENNESSEE.

License
required.

Sec. 681. That no person, firm or corporation (producers excepted) shall sell from wagon or otherwise on the streets or alleys of the City of Memphis any fruits, vegetables or other articles without first procuring a license to make such sales.

⁸ Section 679 passed December 12, 1907.

⁹ Section 680 passed March, 1909.

REGULATING SALE OF FRUIT, VEGETABLES, ETC.

Sec. 682. That license for making sales of fruits, vegetables or other articles on the streets or alleys of the City of Memphis shall not issue for a less period than one year, except in such cases where it shall be made to appear to the Mayor that the applicant is really a worthy object of charity and is actually unable to pay for such license. In such cases, upon recommendation of the Mayor, license may be issued for a period not less than six months.

To issue for one year.

Sec. 683. That each license to make sales of fruits, vegetables or other articles on the streets or alleys of the City of Memphis shall not in any way be assignable or transferable.

Not transferable.

Sec. 684. That each license issued, authorizing sales of fruits, vegetables or other articles, on the streets and alleys of the City of Memphis, shall contain the full name of the person, firm or corporation to whom it was issued.

To bear full name.

Sec. 685. That persons, firms or corporations securing license to make sales of fruits, vegetables or other articles on the streets and alleys of the City of Memphis, where conveyances are used, shall have the name of the owner painted in plain letters on each side of the conveyance from which sales are to be made, and the number of the license shall also appear on said conveyance. Salesmen in charge of said conveyance shall have said license at all times in his possession and shall exhibit same to any officer of the city demanding it. When sales are to be made by persons on foot, such salesman shall procure from the city a peddler's license and badge, in which license the vocation, name and number of badge shall appear; said license to be at all times in his possession, and shall be exhibited to any officer of the city demanding it.

Name of owner to be printed on vehicle, etc.

Peddlers on foot.

Sec. 686. That license to make sales of fruits, vegetables or other articles on the streets and alleys of the City of Memphis shall be used alone upon the conveyance which has the number

Number to be on wagon, etc.

REGULATING SALE OF FRUIT, VEGETABLES, ETC.

of the license upon it, or by the person making sales without conveyance, wearing a numbered badge.

Crying wares
forbidden.

Sec. 687. That it shall hereafter be unlawful for any person, firm or corporation selling upon the streets and alleys of the City of Memphis, from wagons or otherwise, any fruits, vegetables or other articles, to advertise the articles he has for sale by ringing a bell, blowing a horn, halloaing or crying his wares, or by any other noisy mode of advertising them.

Measures to
be inspected,
etc.

Sec. 688. That it shall hereafter be unlawful for any person, firm or corporation making sales upon the streets and alleys of the City of Memphis of any fruits, vegetables or other articles to use any measure, liquid or dry, in making such sales, without first having had such measures inspected by the Inspector of Weights and Measures of the City of Memphis and his official approval of the correctness and accuracy of such measures branded upon same.

Not to locate
at any one
place.

Sec. 689. That all persons, firms or corporations making sales of fruit, vegetables or other articles upon the streets and alleys of the City of Memphis, from wagons or otherwise, shall not be allowed to locate themselves at any one place, nor shall they stop at any place any longer than is necessary to finish sales to such persons as are offering to buy.

Violation.

Sec. 690. That any person, firm or corporation convicted of violating any of the provisions of this ordinance shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars for each violation.¹

¹ Sections 681 to 690, inclusive, passed November 21, 1907.

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ARTICLE 41.

OFFENSES AFFECTING PUBLIC PROPERTY.

Sec. 691. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than \$1 nor more than \$50:

Sec. 692. To wilfully break down, destroy, injure or remove any tree not obnoxious to health, or otherwise injurious, or any of the boxes inclosing the same, on any street, public square or open court.²

Destroying trees.

Sec. 693. To fasten or hitch any horse, or other animal, to any sign, lamp-post, awning-post, shade tree, or box inclosing such tree, or to any fence inclosing a public square.

Hitching to tree or fence.

Sec. 694. To use water out of any public cistern, or cause it to be done, for any other purpose than the extinguishing of fires; or to throw into such cistern any substance whatever; or to injure or deface any part of such cistern, or the covers thereof.

Using water from public cistern or defacing same.

Sec. 695. To injure or deface any public building, public work, or public property; or to moor or to make fast to any barricade or railing of any street or public wharf.

Defacing public building.

Sec. 696. To sink, altar or cut any street, alley or square; or remove from or deposit therein any dirt, rubbish or other material which may obstruct such street or alley, without permission from the Board of Fire and Police Commissioners, or Engineer; but any person, while erecting or repairing any building fronting on any street or public way, may use so much of such street or public way as shall not exceed the front of the lot on which such building or repairs are to be made, and one-third of the width of such street or public way; *provided*, that the

Obstruction of street or alley.

Provision in case of building.

² By an ordinance passed July 23, 1885, the "tree of heaven" is declared a nuisance and forbidden within the city limits.

MISDEMEANORS.

said dirt, rubbish or building material may, at any time, be removed by order of the Board of Fire and Police Commissioners, or Engineer, at the expense of the builder; [and *provided, further*, that the owner, builder, or contractor, be required during such erection or repairing as soon as the wall shall have reached the height of the first story, to extend over the sidewalk such shed or overhead protection, and whenever necessary to build such temporary sidewalks as will enable the general public safely to continue the use of such sidewalk, and the above granted right to use one-third of the street shall not include the right to inclose the same, or otherwise exclude the general public from the use thereof, except so far as may be reasonably necessary to the work to be done.]³

Street not to
be cut into or
obstructed
without per-
mit.

Sec. 697. Hereafter it shall not be lawful for any person, co-partnership or corporation to cut or dig into or in any manner obstruct, disturb or alter the surface of any street, alley or highway of the city, except upon the permit of the Engineer of the city, approved by the Mayor; and if any person, co-partnership or corporation shall apply for such permit, and the same shall be refused, the applicant may, by petition, bring the matter before the next meeting of the Legislative Council, and the Council shall then determine whether the permit shall or shall not be granted.⁴

Obstruction of
street by
boxes, barrels,
cotton bales,
etc.

Sec. 698. To obstruct the streets or sidewalks with boxes, barrels, or any other thing, or any kind of obstruction whatsoever. Nor shall cotton in bales or otherwise be placed or stored on any street, alley or open lot within the city, but all cotton shall hereafter be stored or kept in warehouses or sheds in well-inclosed lots; but cotton may be turned out of warehouses or sheds for delivery in case of sale only, in front of the seller's

³ In brackets passed January 7, 1897.

⁴ Section 697 passed June 17, 1886.

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warehouse or shed only; but to be taken away between the hours of sunrise and sunset, the same to be placed and handled so as not to interfere with travel on the streets or sidewalks; and any cotton not taken away by sunset is to be returned to the shed or warehouse by the warehouseman or his agent or the seller, who will, each and all, be held responsible for any violation of this section.⁵

Sec. 698. To sell at auction any description of stock, carriages, buggies, wagons, etc., upon any of the public streets, highways or thoroughfares, or upon the public landing. Conduct sale
on street.

Sec. 699. To dig or lay the foundation of any house or structure in front of any street, lane, alley or public square, or erect any wall or fence fronting as aforesaid, without first applying to the Engineer, who shall lay off and mark out the true front line, grade and boundary of such street, lane, alley or public square. Lay foundation on street
line without
marking by
Engineer.

Sec. 700. To permit the sidewalks or gutters in front of one's place of business or house to remain obstructed or in a filthy state, or to fail to clean the same after three hours' notice from any police or other officer, or to permit coal or wood to remain on a paved sidewalk more than three hours; and occupants of all houses, dwellings or lots, and the owners of tenement-houses, where the occupants are irresponsible, shall be required to keep the sidewalks and gutters in front of his residence or place of business cleaned and swept three feet beyond the gutters; and such portion of street or streets must be cleaned at such times as to enable the street force to remove the accumulations.¹ Permitting
gutters and
sidewalks to
be obstructed
or filthy.

⁵ Passed December 14, 1880. Also see Section 321 ante.

¹ City not liable in damages to a person injured by a failure to keep the street in repair. 16 Lea 531 (1886.)

REGULATION OF STREET RAILWAYS.

ARTICLE 42.

REGULATION OF STREET RAILWAYS.*

Sec. 701. Every person, co-partnership or corporation engaged in the business of transporting passengers by means of street cars within the limits of the city shall be subject to all the conditions, provisions and requirements of this ordinance.

Stop on far
side of street.

Sec. 702. When any car shall stop at the intersection of streets to receive or leave passengers, it shall stop at the further side of the street, so as to leave the rear platform of the car partly over the crossing.

After sunset
provided with
signals.

Sec. 703. Cars after sunset shall be provided with signal lights. Cars on different routes shall be designated by a different color, to be adopted by the company for that route, and the signal light shall be of corresponding color, so as to designate the route to which the car belongs.

Not to stop
on intersect-
ing street.

Sec. 704. Except to prevent collisions or prevent danger to persons or vehicles in the street, no car shall be allowed to stop on or in front of any intersecting street.

Must avoid
accidents.

Sec. 705. Conductors and drivers of each car shall keep a vigilant lookout for all teams, carriages and persons on foot, and especially children, either on the track or moving toward it, and on the first appearance of danger to such teams or persons or other obstructions, the car shall be stopped in the shortest time and space possible.

Cars have
right of way
on tracks.

Sec. 706. Cars shall be primarily entitled to the right of way over the tracks, and any vehicle upon the track of such person or company shall turn out so as to leave the track unobstructed.

Must run as
often as pub-
lic conven-
ience requires.

Sec. 707. Cars shall run as often as the public convenience may require it, and shall be provided with all modern improve-

* Ordinance passed July 17 and 24, 1886.

REGULATION OF STREET RAILWAYS.

ments for the comfort and convenience of passengers, and shall be run under such directions as the Legislative Council may from time to time prescribe.

Sec. 708. Hereafter every street car shall be brought to a full stop before crossing any steam railroad within the city limits, and shall not proceed over the crossing till the conductor thereof shall have first walked ahead of the car upon the railroad track, and given the motorman a signal to proceed, which he shall not do till he has ascertained that such street car may cross without danger.²

Must stop before crossing steam railroad. Conductor to examine.

Sec. 709. Any conductor of any street car failing to perform the duties imposed upon him by this ordinance, and any motorman who permits any street car in his charge to go upon any steam railroad crossing without a full performance by the conductor of the duties imposed by this ordinance upon him, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than \$1 nor more than \$50.²

Penalty for failure to observe this ordinance.

Provided, That the street car company shall furnish proof that the employes had been notified to observe the provisions of the above ordinance, and in the event of its failure so to do, upon the prosecution of a conductor or motorman under this ordinance, such company shall itself be deemed guilty of a misdemeanor and subject to a fine of not less than \$1 nor more than \$50.²

Sec. 710. Nothing in this ordinance shall be so construed as in any manner to interfere with the operations of the Fire Department of the city; but in all circumstances, in cases of fire, the use of the streets where the railroad tracks are laid shall be subordinate and subservient to the necessities of the Fire Department.²

Rights of street cars subordinate to Fire Dept.

² Passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

Width of
street required
for double
and single
tracks.

Sec. 711. No more than one street car track shall be laid on any street or highway of the city of the width of thirty-six feet, or less, from curb to curb; two tracks may be laid upon streets of greater width than thirty-six feet from curb to curb. But neither one or two tracks shall be hereafter laid on any street except in the manner indicated in, and upon compliance with, the terms of this ordinance.³

Streets—how
to be appro-
priated by
street car
company.

Sec. 712. No street or highway of the city shall hereafter be occupied, taken or appropriated for the use of the street car companies, or either of them, except in the manner herein prescribed, that is to say:³

When either of said companies desire to occupy any street or highway with its track or tracks, such company shall first apply to the Engineer of the city for the grade of the street or streets so to be occupied, and shall also apply to such Engineer for detailed specifications of the manner in which the track or tracks shall be laid, the pavement of the street to be taken up and replaced or rebuilt, and such other details in respect of the manner of constructing the track and reconstruction of the pavement as may assure the construction of said track or tracks on the most approved plan, and the reconstruction of the pavement of the street in such manner that the same may be as durable, useful and valuable as before the occupancy of the street by the street car company.³

Sec. 713. Upon such application being made it shall be the duty of the Engineer to fix the grade and prepare all specifications aforesaid, with reasonable dispatch, and submit the same to the next meeting of the Legislative Council thereafter, and thereupon the grade and specifications aforesaid, if approved by the Legislative Council, shall be furnished to said company, and no track

³ Passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

or tracks shall be laid or commenced to be laid except in conformity therewith; and the pavement of such street or highway shall be rebuilt or reconstructed in accordance with such specifications, and under the supervision and direction of the City Engineer.⁴

Sec. 714. It shall be the duty of the Mayor to see that conformity to the grades and specifications and other provisions of this ordinance are complied with by said company.⁴

Mayor to see that ordinance is observed.

Sec. 715. No street car track shall be hereafter laid except with the Johnson rail, weighing not less than thirty-eight pounds to the lineal yard, or some other steel rail of that weight accepted by the City Engineer as being equally as good, such rail to be laid on steel chairs not less than six inches in height, resting on white oak or heart cedar cross ties, seven feet in length, six by seven inches in size, laid five feet apart from center to center on a fine broken stone foundation, six inches or more in depth, the top of the rail to be, and to be at all times kept as nearly as practicable, flush with the surface of the street. All rails to be laid with steel fish-plates and wrought iron or steel bolts, all of approved section.

Provisions as to rails, ties, etc.

Sec. 716. Whenever, by authority of the proper city officers, the carriageway of any street or highway, upon which one or more railway tracks are laid, is to be paved, or if already paved is to be repaved or reconstructed with the same or any other kind of pavement, the Mayor shall notify the railroad company whose track is laid upon such street to pave the carriageway, if it be a then unpaved street, within the rails of such track or tracks, in the same manner, with like materials and concurrently with the work of the city, under the general supervision and direction of the City Engineer; and if the street is already paved,

Provisions as to paving.

⁴ Passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

and the city be rebuilding or reconstructing the pavement, the Mayor shall notify said company thereof, and shall require it to reconstruct such pavement in the same manner, and at the same time, and with like material as that used in the work of repaving, reconstructing or rebuilding by the city within the rails and for two feet on each side thereof.¹

But nothing in this section shall be so construed as to release either of said companies from any obligation to grade, regrade, pave, repave, reconstruct or repair the roadway within and two feet outside of its tracks, as the same now exists by the charters of the companies, or any contract or contracts heretofore entered into between them, respectively, and the City of Memphis.¹

Tracks not to be laid on adjoining parallel streets.

Sec. 717. No street car track or tracks shall be hereafter laid on any street, if the next street parallel thereto, or any part thereof, is already occupied by a track or tracks, whether such track or tracks be used by steam or street railway.¹

Tracks on unpaved streets.

Sec. 718. Any street car track to be hereafter laid on any unpaved street shall be constructed with the rail and in the manner above stated in Section 716 of this ordinance, and the roadbed in such case within the rails and for one foot outside thereof shall be laid by such company with heart white oak or post oak plank, not less than four inches in thickness, under the supervision and direction of the City Engineer.¹

Notice to be given to company by city of intention to pave street.

Sec. 719. When the city shall hereafter desire to pave any street or highway, now unpaved, it shall give notice of such purpose to the street car companies, and require them, respectively, within ten days after the receipt of such notice, to elect whether or not they or either of them will lay their track or tracks upon such street. An election not to do so shall preclude the com-

¹ Passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

pany so electing from the right to lay their track or tracks on such street or highway after it shall have been paved, except by consent of and upon reasonable terms to be imposed by the Legislative Council. In the event of an election to lay their track or tracks on such street, the same shall be laid concurrently with the work of paving the street by the city. The paving of the roadway between the rails shall be done by such company in the same manner and with like material adopted by the city, under the supervision and direction of the City Engineer. In the event that both of the now organized companies, or any company hereafter organized, shall elect to lay such track or tracks, the matter shall be referred to the Legislative Council, which shall determine to which of said companies the right shall be awarded, or whether it shall be given to them concurrently and jointly, upon terms to be prescribed by such Legislative Council.³

Sec. 720. Whenever either of such street car companies shall hereafter desire to lay their track or tracks upon any street or highway within the limits of the city, and shall apply for the grade and specifications, as provided in Section 705 of this ordinance, it shall be the duty of the City Engineer, after fixing the grade and preparing the specifications, to suggest to the Legislative Council whether or not the same terminus or termini may be reached with equal or greater convenience to the public by a different route than that applied for by the company, and thereupon the Legislative Council shall have power, if in its opinion the public interests and convenience so require, to designate another route or other routes by which the same territory may be substantially reached and the same public interests served by the street car company.³

City may designate route to be used for reaching given point.

³ Passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

Tracks to be
laid flush with
street.

Sec. 721. No street car company shall be permitted to [lay,] use or maintain any track, whether such track be already laid or not, unless the same be so laid [and maintained] that the surface of the rail [be laid and at all times be kept] as nearly as practicable flush with the surface of the street, and so as in the least [practicable] degree to impede the crossing thereof, in any direction, by public travel over the same, [or the use of the highway by the general public].¹ And it shall be the duty of every officer of the police force to report to the Mayor any failure to comply with the provisions of this section, or any other section of this ordinance; and thereupon it shall be the duty of the Mayor to give notice to the company constructing or maintaining such track to conform the same to the requirements of this ordinance. If such company shall fail, after the lapse of five days from the service of such notice, to commence, and with reasonable dispatch prosecute, the work of conforming its tracks to the requirements of this section, the Mayor shall have power, and it shall be his duty, to stop said work, and to remove such tracks at the cost and expense of such company, and to conform the surface of the carriageway to the public convenience. And it shall be the duty of the Mayor to enforce the provisions and requirements of this ordinance.

Street car
company must
conform to
grade of en-
tire roadway
—when.

Sec. 722. Whenever either of the street car companies shall apply for the grade of a street or highway, with a view to lay a street car track or tracks thereon, as herein provided, and a grade other than the then existing grade shall be furnished by the Engineer of the city, and adopted, said street car company shall be required, at its own expense, to conform the grade of the entire roadway from curb to curb to the grade fixed by the Engineer for the roadway within its tracks, the grade of the

¹ In brackets passed May 9, 1889, balance passed October 5, 1893.

REGULATION OF STREET RAILWAYS.

entire roadway to be fixed by the Engineer and furnished the said company in the manner hereinbefore provided.²

Sec. 723. Nothing in this ordinance contained shall be so construed as to prevent the city, so far as it now has lawful power and right to do, to forbid and prevent the laying or maintaining of a street car track or tracks on any street or highway upon which, in the judgment of the Legislative Council, the public interests and convenience require that no track or only one track shall be laid.²

Council may forbid the laying of track on street.

Sec. 724. If more than one street car company shall hereafter apply for or propose to lay a track or tracks on the same street or streets, the Legislative Council shall, if in its judgment the public interests and convenience require or call for the laying of such track or tracks, determine to which company the right shall be awarded or permit issued, such determination to be made so as best to subserve the public interests.²

Council shall determine which of two or more companies shall appropriate street.

Sec. 725. It shall be a misdemeanor to violate or fail to comply with the provisions of the foregoing, punishable by a fine of not more than \$50.²

Penalty for violation.

Sec. 726. That all street cars propelled by electricity or other power shall be brought to a full stop before passing another car, which has been brought to a stop for the purpose of taking on or putting off passengers.²

Car passing another car shall stop.

Sec. 727. At no point within the city limits shall they run at a greater speed than fifteen (15) miles per hour. All cars shall be brought to a full stop before crossing any street car track or other railroad track.³

Limit of speed.

² Passed October 5, 1893.

³ Sections 727 and 728 passed February 25, 1892.

REGULATION OF STEAM AND STREET RAILWAYS.

Penalty for
violation.

Sec. 728. That any corporation or person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than one (\$1) dollar nor more than fifty (\$50) dollars.³

ARTICLE 43.

CONTRACTS WITH STEAM AND STREET RAILROADS.

Contracts
with compa-
nies have ef-
fect of ordi-
nances.

Sec. 729. Each and every contract between any steam or street railroad company and the city, under which such company occupies with its tracks any street or parts of streets within said city, or operates steam or street cars thereover, shall, in addition to being a contract between the parties, be deemed also an ordinance, with the same effect as if the city had granted or consented to such use and occupancy, by an ordinance wherein was embodied all the terms and provisions and conditions of such contract, and that any breach of such contract on the part of such company shall be a misdemeanor, and shall subject the offender to arrest and, upon conviction, to a fine of not less than one (\$1) nor more than fifty (\$50) dollars.

Failure to
maintain
tracks or pav-
ing on streets
a misde-
meanor.

Sec. 730. That failure of any steam or street car company to lay or maintain its tracks, or to lay, relay, repair or maintain the paving of the streets, or parts of the streets occupied by it, in the manner, to the extent, and within the time prescribed by such contract, is hereby declared a nuisance and a misdemeanor, and shall subject the offender to arrest, and, upon conviction, to a fine of not less than one (\$1) dollar nor more than fifty (\$50) dollars. Every day's failure shall be a separate offense, and punished accordingly, which shall apply to this entire ordinance.

Failure to
pave, repave,
repair or
maintain a
street.

Sec. 731. That whenever the surface of any street shall be disturbed by any steam or street railroad company, and there shall be a contract there existing showing the obligations of such

³ Sections 727 and 728 passed February 25, 1892.

MISDEMEANORS, NUISANCES.

company, in respect of the paving, repaving, repairing or maintaining the paving of such streets, either within or without the tracks of such company, and said company shall fail to comply with and perform such work in every particular, such failure shall be considered and treated as if the use and the occupancy of said street had been in the first instance unauthorized and unlawful, and as a nuisance, subjecting the offender to arrest, and, upon conviction, to a fine of not less than \$1 nor more than \$50. Each day's breach of such contract to constitute a separate offense, and to be punishable accordingly.

Sec. 732. That the grade of streets, the manner of work, material used and the erection of poles, shall all be under the supervision of the City Engineer, and done according to his specifications and directions, and any conflict between him and the railroad company shall be adjusted by the City Council, which shall be final.

Work on streets under supervision of Engineer.

Sec. 733. That this ordinance shall, in all respects, apply to the officers, agents and employes of such company as well as to the companies themselves. ¹ and ²

Ordinance applies to employes.

ARTICLE 44.

NUISANCES.

Sec. 734. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts, and any person convicted thereof shall be fined not less than \$5 nor more than \$50:

Sec. 735. To build, construct or keep a slaughter pen or house within the city, or within one mile thereof.

Slaughter pens.

Sec. 736. To cause, create or permit, within the city, or within one mile thereof, any nuisance on one's premises; and each day such nuisance is permitted to remain shall constitute a separate offense.

Cause, create or permit nuisance.

¹ and ² Article 43 passed December 10, 1890. See Citizen's Street Railroad Contract (Watkins' Digest).

MISDEMEANORS, NUISANCES.

- Carcass in public place. Sec. 737. To throw or put into any street or public place any dead animal, or fail to remove and bury, without the city limits, the carcass of any dead animal owned or controlled by any one.
- Noxious substance in street. Sec. 738. To throw into the street or other public place any filth or noxious substance, or to permit the same to flow from one's premises into any street or public place, or on the property of others.¹
- Scatter dirt from cart. Sec. 739. To haul dirt through the streets, in carts, without sufficient tailboards to prevent it from falling out upon the streets.
- Sec. 740. For any person or corporation to carry or haul through the streets of the city dirt, sand or any other like substance, except in close or tight vehicles.²
- Throw water or other substance from window. Sec. 741. To throw any water or other substance from the windows of any house into the street or public places, or on the premises of others, or upon the top or roof of any house whatsoever.
- Unmuzzled dogs. Sec. 741. To permit any dog to run at large, unless so muzzled as to prevent his biting, during the months of May, June, July, August and September.^{3*}
- Obstruction of public grounds or highways. Sec. 742. To place, or cause to be placed, any manner of buildings, erections, depositories or other obstructions, with any sort of permanency, for private use, benefit or profit upon any part or portion of the public grounds, thoroughfares or passways of the city, without permission of the Fire and Police Commissioners and Board of Public Works.

¹ Code, Section 4854. So, also the causing or suffering any offal, filth or noisome substance to be collected or remain in any place to the prejudice of others; and the corrupting or rendering unwholesome or impure, the water of any river, stream or pond are nuisances, and by post Section 763 are misdemeanors under these ordinances.

² Section 740 passed August 6, 1907.

³ See "Dog Ordinance," passed June 7, 1906. Section 1412 post.

MISDEMEANORS, NUISANCES.

Sec. 743. That every owner, tenant, lessee and occupant of any building or lot (whether vacant or occupied) within the Taxing District shall keep and cause to be kept, the sidewalks [and curbstones]⁴ in front thereof in good repair and condition, and that every such person shall keep and cause every such sidewalk to be kept free from obstructions, and also free from any incumbrance and all substances of every kind. [It shall be deemed a misdemeanor for any one to rent to another any portion of the sidewalks of the streets of the Taxing District, for the purpose of selling fruit, vegetables or any class of merchandise thereon. Any person convicted thereof shall be fined not less than \$5 nor more than \$50.]⁵

Sidewalk kept
in repair.

Sidewalk not
to be rented.

Sec. 743a. Whenever any sidewalk needs repairing or relaying with the same material, the police are required to give written notice to the owner or occupant in front of whose property the said sidewalk runs, to repair the same within not exceeding ten days from the date of said notice, and the policeman serving the notice shall preserve in a stubbook the date of the notice, and a note of his service of the same; and any one failing to comply with the same shall be guilty of a misdemeanor; and all ordinances inconsistent herewith are repealed.⁶

Violation of
sidewalk ordi-
nance.

Sec. 744. It shall be a misdemeanor for any persons, individually or through others, to construct, erect, alter or repair any house connection without first obtaining a permit from the City Engineer or his authorized assistants, and all persons guilty thereof shall be fined not less than \$1 nor more than \$50; and any house connection found hereafter to have been constructed, erected, altered or repaired in violation of the ordinances, rules and regulations of the city, in such manner as shall be deemed

Constructing
or repairing
house without
permit.

⁴ City to lay curbstones. See Article 26 ante.

⁵ In brackets passed June 19, 1890. See Section 486 ante.

⁶ Section 743a passed March 21, 1882. See Sidewalk Ordinance, Section 486 et al. ante.

MISDEMEANORS, NUISANCES.

detrimental to health, then and in that case the person or persons, owners or agents so offending shall be guilty of a misdemeanor, and shall be fined not less than \$1 nor more than \$50; and each day's continuance of the same, after notice to remedy same, shall constitute a separate and distinct offense.¹

Smoke from
factories, etc.

Sec. 745. The emission of dense smoke, made by the burning of coal or other fuel, from the smokestack of any boat or locomotive, or from any chimney anywhere within the city, or within one mile of the city limits, shall be deemed, and is hereby declared to be a public nuisance and a misdemeanor; *provided* that chimneys of buildings used exclusively as residences shall not be considered within the provisions of this ordinance.²

Same.

Sec. 746. The owner or owners of any boat or locomotive, and the person or persons employed as engineer or otherwise in the working of the engine or engines in said boat, or in operating such locomotives, and the proprietor, lessee or occupant of any building who shall allow dense smoke, made by the burning of coal or other fuel, to issue or be emitted from the smokestack from any such boat or locomotive, or the chimney of any building, within the limits aforesaid, shall be deemed and held guilty of creating a nuisance, and shall for every offense be fined not less than \$1 nor more than \$50.

Special duty
of Fire and
Police Depts.
to prevent
violation of
smoke nu-
isance.

Sec. 747. That it be and is hereby made the special duty of the Chiefs of the Police and Fire Departments to see to the enforcement of this ordinance, and to cause the arrest and prosecution of any person guilty of violating the same.¹

Open lots to
be inclosed on
order of Bd.
of Health.

Sec. 748. In order to prevent the nuisances that are now frequently committed on vacant and open lots within the city, the Board of Health is hereby authorized to designate such open lots

¹ Section 744 passed May 29, 1884.

² Sections 745 and 746 passed February 24, 1896.

¹ Section 745, 746 and 747 passed February 24, 1896.

MISDEMEANORS, MISCELLANEOUS.

as ought to be inclosed, and to determine the character of fence with which the same should be inclosed, and that upon notice from the Board of Health of the designation of a now open lot to be inclosed, and of the character of the inclosure, the owner shall, with all reasonable dispatch, proceed to inclose the same as directed by said Board.²

Sec. 749. To lay down any new water or gas pipes within the limits of the city less than at least three feet below the base of the sidewalks, and the Engineer shall furnish a certificate of the grade; and no pipes shall be put down under the pavement or roadbed, except when necessary to connect with pipes already laid.

Gas pipes at depth of 3 feet below sidewalk.

Sec. 750. Violation of or failure to comply with this ordinance shall be a misdemeanor and subject the offender, upon conviction, to a fine of not less than \$1 nor more than \$50.³

Penalty for violation.

ARTICLE 45.

MISCELLANEOUS.

Sec. 751. It shall be deemed a misdemeanor to do, or cause to be done, any of the following acts; and any person convicted thereof shall be fined not less than \$5 nor more than \$50:

To be found prowling about the property of others, without being able to give a good account of one's self.

Prowling.

Sec. 752. To enter into the house or place of business or upon the premises of another, for any unlawful purpose.

Entering house for unlawful purpose.

Sec. 753. To sell or dispose of, or to offer to sell or dispose of, any impure, unwholesome, adulterated or diluted milk, within the limits of the city.

Selling impure milk.

² Section 748 passed April 4, 1895.

³ Passed April 4, 1895.

MISDEMEANORS, MISCELLANEOUS.

Tampering
with water
plugs, etc.

Sec. 754. To tamper with any water or fire plug, water-valve, stopcock, or other appurtenances and appliances of the waterworks, unless authorized by the Legislative Council, or the owners of the waterworks; but this subsection is not to apply to the Fire Department of the city.

Contractor to
use public
water supply
without per-
mit.

Sec. 755. For any contractor or other person to use any water from the public supply of the City of Memphis for any purpose, unless it be through a meter, until the same has been paid for in advance, and a permit allowing the use of same shall have been issued from the office of the Water Department.⁴

Permit to re-
main at loca-
tion water is
used.

Sec. 756. Any contractor or other person applying to the Water Department for a permit shall furnish the exact number or location of the place at which water is to be used, and shall state fully the purpose for which water is to be used; and that the permit, when issued, shall remain on the place or job specified during the whole time that water is to be used, and that it shall be shown to any inspector of the Water Department at any and all times it may be demanded by any such inspector.⁴

Only one
track on
street.

Sec. 756a. No street railroad company shall be permitted to lay down more than one railroad track on any street in the city.⁵

Gas pipes at
depth of 3 feet
below side-
walk.

Sec. 756b. To lay down any new water or gas pipes within the limits of the city less than at least three feet below the base of the sidewalks, and the Engineer shall furnish a certificate of the grade; and no pipes shall be put down under the pavement or roadbed, except when necessary to connect with pipes already laid.⁵

Trees in two
feet of city
wires.

Sec. 757. It shall be unlawful for any owner or tenant of any property abutting on any street or alley within the city, to permit any tree upon said property, or any tree growing upon

⁴ Sections 755 and 756 passed July 6, 1905.

⁵ Sections 756a and 756b passed April 21, 1880.

MISDEMEANORS, MISCELLANEOUS.

the sidewalk or in the alley in front of or along the side of such property, to come in contact with any of the fire or police wires belonging to the city, and any person who shall permit such trees or limbs of any tree to come in contact with such wires, or extend within two feet thereof, shall be guilty of a misdemeanor, and shall be fined not less than \$2 nor more than \$50 for each offense, and each day that such wire shall be maintained contrary to the provision of this ordinance shall constitute a separate offense.⁶

Sec. 758. The City Electrician is hereby authorized and empowered to cut and clear away the limb of any tree which shall come in contact with the city fire or police wires, or which shall grow in dangerous proximity thereto.⁶

City Electrician to cut.

Sec. 759. All water and gas companies' connection pipes, from their mains in the streets and alleys of the city to the connection with buildings, shall be of lead or galvanized iron, and no plain, wrought or cast-iron pipes shall be permitted to be used hereafter; and whenever, hereafter, a street is to be paved the gas and water companies are required to put in house connection pipes every twenty-five feet, to prevent the taking up of the streets after they shall have been paved⁷

Only lead or galvanized iron water and gas pipes.

Pipes every 25 feet when streets are to be paved.

Sec. 760. Every one engaged in the pawnbroker's business in the city shall keep a well bound book, and in a legible handwriting a particular, minute and detailed description of each article pawned. Also the name, color and residence of the pawner, which book shall be indexed and the pawnee (the said pawnbroker) shall give the pawner a receipt corresponding with the description in the said book or register, and said pawnbroker shall keep such book or register open at all times to

Pawnbrokers' records.

⁶ Sections 757 and 758 passed March 1, 1902.

⁷ Sections 759 passed December 11, 1885.

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the inspection of the police. [Every person so engaged in the pawnbroker's business shall prepare and deliver to the Chief of Police every day before the hour of nine o'clock a. m., a legible and correct copy from such registry, of the description of all property, bonds, notes or other securities received on deposit or purchased during the preceding day, with the name of each party making a deposit or pledge, together with the description of the person by whom left in pledge, or from whom the same was purchased. No bond, note, security or personal property of any kind received on deposit, purchased or pledged by any such pawnbroker shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker for the space of twenty-four hours after the copy and statement provided for in this ordinance has been delivered.]¹ And a failure to do and perform all or any of the things required shall be a misdemeanor.²

Property
pawned to be
kept 24 hours.

Sec. 761. For any junk dealer, or other vendor of second-hand commodities, or any person acting as agent for such, to purchase any article or commodity, other than rags and paper, from a minor, without the written consent of the parent or guardian of the minor, and all purchases of goods, wares, merchandise, other than those mentioned in this section, made by the proprietors of junk stores, or their agents, in the city, must be entered on a book kept for that purpose, designating the article and date of purchase, the name of the party selling, together with his or her residence. This book shall be correctly kept, and subject to inspection whenever it may be deemed necessary by any member of the police force. Failing to keep such a register shall be a violation of this subsection.³

Second-hand
dealers not to
purchase
from minors.

Record to be
kept by sec-
ond-hand
dealers.

¹ In brackets passed April 23, 1891.

² Section 760 passed April 23, 1881, and amended as in brackets.

³ Section 761 was Section 10 of Article 42, Watkins' Digest, 1902.

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Sec. 762. To steal, or attempt to steal, a ride upon any street car or omnibus upon any of the streets of this city, by sitting, standing or hanging on or about the steps or any other part of any such car or omnibus; or to play upon or near the track or tracks of any such street railroad, or to put obstruction on the same.⁴

Sec. 763. To do, or cause to be done, in this city, any act or acts which, by the laws of Tennessee, are holden to be a misdemeanor, shall be deemed misdemeanors under these ordinances; and all offenses against, or violations or infractions of, any ordinance of this city, which have been, or may hereafter be, defined to be a misdemeanor, as provided in the act of 1879, Chapter 2, establishing this city, or the acts amendatory thereto, are and shall be deemed misdemeanors, as well as all acts prohibited by ordinance of said city, now or hereafter passed.

Doing of any act which is a misdemeanor under laws of State.

Sec. 764. It shall be a misdemeanor, punishable by a fine of not less than \$1 nor more than \$50, for the owner or person in charge of any horses, mules, cows, cattle, swine, sheep, goats or geese, to permit them or any of them to run at large in any street, alley, public square or public place in the city, including the Ninth and Tenth Wards. The Chief of Police will cause any of said animals so running at large to be taken up and put in the pound, which shall be and is hereby established wherever the Mayor and the Chief of Police may select within the city. For the purpose of taking up such animals running at large the Mayor and Chief of Police may, in behalf of the city, employ one or more persons, the number to be fixed according to their judgment, whose compensation shall not be more than \$65 per month.⁵

Animals running at large to be put in pound.

⁴ Section 762 passed August 20, 1880.

⁵ Section 764 passed April 1, 1886. (See Section 247.) (The salary of Pound Keepers increased by resolution passed in ———, 1907.)

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Sale of un-
claimed im-
pounded
animals.

Sec. 765. If within three days from the day an animal is put into the pound the owner or person in charge thereof calls for the same, such animal shall be delivered to him upon the payment of \$1 for each head of goats, swine or sheep, of \$1.50 for each head of horses, mules, cattle or cows, and 25 cents for each head of geese so impounded. If no one claims the same within the said period of three days, the Chief of Police shall cause a notice to be inserted in the official organ of the city for five successive days, briefly describing the animal, and giving notice that unless redeemed the same will be sold at public sale. All of said animals not redeemed by the payment of the pound fees aforesaid, and 25 cents per head for each day after the expiration of the first three days, shall be sold on the day named in said notice at public auction, to the highest bidder for cash, of which sale a record containing a brief description of the property sold, the price paid, and name of the purchaser, shall be kept at the office of the Chief of Police. The proceeds of such sale shall be received by the station house keeper, and paid over, each day, to the Register of the city, who shall hold such fund subject to order of the owner of said animal after retaining enough to pay all fees, costs and charges as hereinbefore provided, including cost of advertising the sale.¹

Awnings and
signs—how
erected.

Sec. 766. No awning shall be erected fronting any street so as to obstruct the sidewalk, or in any wise, by insecurity or fault in the construction thereof, to endanger the lives or limbs of persons passing under them; nor shall any signboard be erected less than nine feet from the ground or pavement, nor be so erected as in any manner to obstruct the same.

Illuminated
signs.

Sec. 767. Illuminated signs may be hung over the sidewalks, provided said signs shall conform to the following conditions:

Said signs shall have an illuminating power of not less than

¹ Section 765 passed April 1, 1886. See Section 247 ante.

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50 candle power [and the letters in such signs shall be composed of electric bulbs, which shall be illuminated nightly];² they shall be hung not less than nine feet from the sidewalk, and not over three feet from the wall of the nearest building; and said signs shall in all cases be erected under the approval of the Chief of Police, and the plans and specifications of such signs shall be submitted to the Chief of Police before the same are erected.

Sec. 768. It shall be a misdemeanor to erect or repair any wooden awning, or any awning made partly of wood and partly of iron or other material, or partly of iron and partly of other material, on either side of Main street, between the Louisville & Nashville Railroad depot and the Mississippi & Tennessee Railroad depot; and each day that such awning so erected or repaired remains standing shall be a distinct and separate offense.³

Awnings not
allowed on
Main street.

Sec. 769. It shall be unlawful for any person doing any business in the city to follow the same, unless his, her or their names, or name of the firm, is printed or affixed in legible letters over the front door of his, her or their business house—the letters to be of the usual size used on such signs.

Business
signs.

Sec. 770. All churches, theaters, public halls, schoolhouses and places of amusement are required to have their doors swung on double hinges, so that they will open in and out, so as to prevent disasters in case of fire.

Doors of public
buildings
swung out-
ward.

Sec. 771. No person shall be allowed to dig into or under the bank of the Mississippi River, at or near the water's edge, between the mouth of Wolf River and the southernmost boundary of the city, for the purpose of procuring or carrying away

Digging in
river bank.

² The clause between the words "power" and "they" passed November 5, 1903.

³ Section 768 passed May, 1882.

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sand, gravel or other material from the same, with or without permission of the owners of lots fronting on the Mississippi River, and the owners of such lots are forbidden to make excavations in like manner and for such purposes, or to permit others to do so.

Same.

Sec. 772. Neither the owners nor any other person shall be allowed to dig to any depth any avenue or tunnel into any or under any lot on the river front of the city, nor into or under any street of the city, for the purpose of procuring sand, or for any purpose whereby, by carrying on or commencing such excavation or tunnel, any real estate of the city may be undermined, endangered, disturbed or reduced in marketable value, in consequence of fears or apprehension of damage resulting from such digging or otherwise; *provided*, that owners of property fronting on said river front may pave and grade their property in conformity to the grade of the streets of the city adjacent thereto, as laid down and established by the Engineer.

Killing birds.

Sec. 772. The killing, or attempting to kill, any English sparrow, or any other kind of bird, within the limits of the city, is prohibited.

Permit for
bootblacks.

Sec. 773. Every boot or shoeblack shall apply to the Chief of Police for a permit to carry on his business, which permit shall be granted gratuitously, and shall designate the name of applicant, the length of time for which such permit is to be granted, and the place where the business is to be carried on, and such license shall be transferable only by permission of the Chief of Police, and the place of business shall only be designated at the request or permission of the owner or occupant, in front of whose home or business place the business is to be carried on. The Chief shall keep a record of the licenses under this order. Every licensee under this ordinance shall be required to remain at his place of business, and will not be al-

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lowed to carry on his business at any other place, or run about the streets to solicit business, and any violation of either of the above sections shall be a misdemeanor.¹

Sec. 774. All persons are forbidden to erect, establish or operate, within the fire limits of the city, any factory, machinery or other works for the manufacture of oil of any kind, from cotton seed or other material [without the special permission of the Legislative Council];² but factories already erected, established and in operation, and the territory lying north of Poplar' and west of Front streets are excepted from the provisions of this section.

Oil works
forbidden in
certain dis-
tricts.

Sec. 775. All persons laying down drains and sewers from any point in the city to the river shall lay the same of iron pipes, if they run under the levee, and the same shall be laid under the direction of the Engineer, and all those who have heretofore laid sewer or drain pipe to the river, running under the levee, are required, in repairing the same, to lay iron pipe under the said levee, also under the supervision of the Engineer; and, in both cases, the pipes are to be of such size, and laid in such manner, as said Engineer shall direct. Any one failing to comply with this ordinance shall be guilty of a misdemeanor.

Iron sewer
pipes under
levee.

Sec. 775a. Subsection 1. That hereafter it shall be unlawful for any employe, bellboy, servant or other person connected with any hotel, boarding house or restaurant in the City of Memphis to bring any public prostitute or woman for purposes of prostitution into said hotel, boarding house or restaurant.

Subsec. 2. *Be it further ordained*, That it shall hereafter be unlawful for any woman or man to use any room or place in a hotel, boarding house or restaurant in the City of Memphis for purposes of prostitution.

¹ Section 773 passed March 28, 1882.

² In brackets passed April 23, 1881.

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Subsec. 3. *Be it further ordained*, That any hotel keeper, boarding house keeper or restaurant keeper in the City of Memphis may inquire into any use of his rooms for any other than a lawful purpose.³

Sec. 776. If any person be fined by the City Judge for the commission of any misdemeanor, or for any other offense against the laws or ordinances of this city, such persons shall, in default of payment of such fine, be confined at hard labor within or without the workhouse until such fine is paid and discharged, or until such person, being credited with 40 cents for each day's labor, has fully paid and discharged said fine.⁴

Sec. 777. It shall be unlawful for any person, firm or corporation to sell ice from wagons without having in or attached to such wagons scales by which accurate and correct weights may be made of ice sold therefrom.

It shall be the duty of any person, firm or corporation selling ice from wagons, upon demand of the purchaser or purchasers of such ice, that the same be weighed or reweighed, to weigh or reweigh the same, and to charge only for the actual weight of the ice delivered.⁵

To permit
oil to spill on
street.

Sec. 778. For the owner of any oil wagon, or other vendor or carrier of oil, or other persons, to permit oil to drip, spill or fall upon any asphalt pavement of the City of Memphis. Any violation of this ordinance shall subject the violator to arrest and a fine of not less than \$10 nor more than \$50.⁶

To sell liquors
within 500
feet of parks.

Sec. 779. For any one to sell or give intoxicating liquors to any one at any saloon, restaurant or other place within the City of Memphis, within 500 feet of all parks owned by the City of

3 Section 775a and Subsections 1, 2 and 3 passed May 7, 1900.

4 Section 776 passed September 27, 1905.

5 Section 777 passed September 9, 1907.

6 Section 778 passed May 9, 1903.

MISDEMEANORS, MISCELLANEOUS.

Memphis of over 50 acres in size; *provided*, that this ordinance shall not apply to any premises within the prohibited distance on which a saloon is now being conducted until the expiration of the time the owners of such saloon may now be licensed to conduct such business.

Be it further ordained, That whoever shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for each offense not less than \$50 nor more than \$300.⁷

Sec. 780. It shall be the duty of the Chief of Police, and his subordinates, to see that all of the ordinances contained in this Digest are enforced; and any infraction or violation of any section or subsection of the same shall be punished by a fine of not less than \$1 nor more than \$50, where fines have not been specially provided; and where, by any of the ordinances contained in this Digest, any violation of any of the same is visited with a criminal penalty, or the same is made a misdemeanor, and a civil remedy is also provided, the prosecution of the civil remedy shall be no bar to criminal proceedings thereunder, nor shall criminal proceedings thereunder be a bar to civil proceedings thereunder. [And where any act is forbidden by ordinance, or is made a misdemeanor, and no punishment is prescribed therefor, the same is to be punished by a fine of not less than \$1 nor more than \$50, and imprisonment in default of payment thereof, as in other offenses.]⁸

Punishment
for misde-
meanors when
no specific
penalty is
provided.

⁷ Section 779 passed May 9, 1903.

⁸ In brackets added by ordinance passed September 27, 1880.

REGULATION OF GAS COMPANIES.

ARTICLE 46.

REGULATION OF GAS COMPANIES.

Gas lights—16
candle power.

Sec. 781. All gas companies within said city furnishing light to it and its inhabitants by means of pipes or other conductors, laid in or under the streets or sidewalks of said city, shall be, and they are hereby, required to furnish gas of not less than 16 candle power, and that the same shall be as free from deleterious and hurtful elements as practicable.¹

Rate of
charge for
gas.

Sec. 782. The rate to be charged for gas so furnished, either to said city or to the inhabitants thereof, shall not exceed the sum or price of \$1.50 per 1,000 feet, when paid within the customary discount days, with the right on the part of the gas companies to add 5 per cent. thereto if not so paid.²

Office Gas
Inspector
created.

Sec. 783. That the office of Gas Inspector is hereby created, to be filled by the Legislative Council on the nomination of the Mayor. He shall hold office for a term of one year, and shall give bond in the sum of \$5,000 for the faithful performance of his duties.

Compensa-
tion.

His compensation shall be fixed by the Fire and Police Commissioners, and paid out of the lighting fund.

Duties.

It shall be the duty of such Inspector to see that the gas furnished is of the quality and illuminating power above prescribed, that the gas meters furnished properly measure the gas passing through them, and generally shall he perform such other services as may from time to time be imposed upon him.

Sec. 784. A fee shall be charged for inspecting or re-inspecting, sealing and stamping gas meters inspected and stamped.³

1 Sections 781, 782 and 783 passed October 29, 1895.

2 The rate to be charged for gas is fixed at \$1 by ordinance permitting consolidation of lighting companies. See Memphis Consolidated Gas & Electric Co. Ordinance, post.

3 Sections 784 to 788, inclusive, passed March 8, 1909.

REGULATION OF GAS COMPANIES.

Sec. 785. The said fee of 50 cents shall be collected by the Gas Inspector for the use of the City of Memphis for each meter inspected by him.³

Sec. 786. No meter shall be inspected except at the instance and upon the written request of either the consumer or the gas company. The said inspection fee of 50 cents shall be paid by the applicant for the inspection in advance to the Inspector for each such inspection, and when the request for inspection is made it shall be the duty of the gas company to bring or send the meter to the office of the Inspector, and no meters shall be subject to more than four inspections per year.³

Sec. 787. In all cases where a gas meter is found by the Gas Inspector to be fast after testing the same, the inspection fee of 50 cents shall be paid by the gas company, and the fee collected from the consumer shall be refunded to him by the Gas Inspector.³

Sec. 788. The Gas Inspector shall make a written report of the meters inspected by him on the first of each month to the Secretary of the Council, and shall turn over with his said report, a receipt from the County Trustee for the fees collected during the preceding month, and all funds so collected shall be paid into and credited upon the lighting fund.³

Sec. 789. Failure to comply with or a violation of the provisions, or any of them, of this ordinance is hereby declared a misdemeanor, each and every instance of such failure to comply or violation being a distinct and separate offense, punishable, upon conviction, by a fine of not less than \$1 and not more than \$50.⁴

Penalty for
violation.

³ Sections 784 to 788, inclusive, passed March 8, 1909.

⁴ Section 789 passed December 7, 1895.

MISDEMEANORS, MISCELLANEOUS.

ARTICLE 47.

HACKMEN'S STRIKES.

Misde-
meanor to de-
cline to carry
passengers to
destination.

Sec. 790. It is hereby declared a misdemeanor, punishable, upon conviction, by a fine of not less than \$5 nor more than \$50, for any driver of a public or licensed hack, carriage or other vehicle, to receive passengers or customers and afterward refuse to carry them to their destination, because of the fact that other hacks or drivers not belonging to said "Hackmen's Union" may be employed in the same procession or work, or because of the fact that such other hacks or drivers of hacks are not agreeable to the one or ones so refusing.⁵

Intimidation
of other hack-
men or owners
of hacks, etc.

Sec. 791. It is hereby declared a misdemeanor, punishable, upon conviction, by a fine of not less than \$5 nor more than \$50, for any public or licensed hackman or owner of a public or licensed hack or hacks, or other vehicle, to attempt, by violence, or by threats of violence, or by any other unlawful means whatsoever, to prevent any other public or licensed hack or hacks, or other vehicle, from lawfully rendering to the public such service as they may be called upon to do, and may be entitled lawfully to render.⁵

Arrest for
violation.

Sec. 792. The Chief of Police and all the officers and men of the police force, are hereby required to report to this Council any instance or instances coming to their knowledge or information of a breach by any public or licensed hackman or driver, or owner of a public or licensed hack, of the provisions of the first two sections of this ordinance; that, upon such report being filed, such hackman and the owner of such hack or hacks shall be cited to appear before this Council, to the end that due and

⁵ Sections 790 and 791 passed April 4, 1895.

MISDEMEANORS, MISCELLANEOUS.¹

proper action may be taken for the revocation of the license or licenses of the hack or hacks so offending.¹

Sec. 793. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than \$1 nor more than \$50.¹ Penalty.

ARTICLE 48.

GIRLS SELLING NEWSPAPERS.

Sec. 794. It shall be a misdemeanor for any girl or woman to sell, or offer for sale, on the public streets of the city any daily or weekly newspaper or periodical publication of any kind.² Misdemeanor for female to sell newspaper.

Sec. 795. That a violation of this ordinance be, and is hereby declared a misdemeanor, and the offender, upon conviction, shall be fined not less than \$1 nor more than \$50.² Penalty for violation.

ARTICLE 49.

BRINGING PAUPERS INTO THE CITY.

Sec. 796. The bringing of a pauper into the City of Memphis, by any railroad, steamboat or other carrier of persons is hereby prohibited; *provided*, the railroad, steamboat or other carrier bringing such pauper into the city knows, or has reasonable grounds to believe, or, upon practicable investigation, could ascertain that he or she is a pauper and would become a charge upon the public authorities.³ Bringing paupers into city.

Sec. 797. A violation of this ordinance is hereby declared a misdemeanor, and the offender, upon conviction, shall be fined not less than \$1 nor more than \$50.³

¹ Ordinance passed April 4, 1895.

² Ordinance passed April 5, 1894.

³ Sections 796 and 797 passed August 9, 1894.

MISDEMEANORS, MISCELLANEOUS.

ARTICLE 50.

DISEASES AMONG ANIMALS.

Board of Health may establish animal quarantine.

Sec. 798. The Board of Health of the city shall have the general supervision of all communicable diseases among domestic animals within, or that may be in transit through the city, and they are hereby empowered to establish quarantine against any animal thus diseased, or that has been exposed to others thus diseased, whether within or without the city, and may make such rules and regulations against the spread and for the suppression of such disease or diseases as in their judgment may seem necessary and proper.⁴

Failure to notify Board of Health of communicable animal disease, misdemeanor.

Sec. 799. In the event of any communicable disease aforesaid breaking out, or being reasonably suspected to exist in any part of the city, it shall be the duty of the owner or owners immediately to notify the City Board of Health, and said Board of Health to at once institute such measure for the restriction or stamping out of such disease or diseases by killing or removing such animal or animals as they may think necessary. Any person or persons above specified who shall neglect or refuse to notify said Board of Health of the existence of any communicable disease aforementioned shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$1 nor more than \$50.

Misdemeanor to bring diseased animal into city.

Sec. 800. Any person or persons who knowingly shall import or bring into this city any animal or animals affected with pleuropneumonia, rinder-pest, glanders or other communicable disease, or who shall sell or trade, or offer to sell or trade, any animal or animals known to be so diseased, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$1 nor more than \$50.

⁴ Section 798 passed April 26, 1894.

BUILDING REGULATIONS.

Sec. 801. No compensation shall be made to the owner of any animal killed or removed under this ordinance.

No compensation for diseased animal killed.

ARTICLE 51.

BUILDING ORDINANCE.

(Passed November 25, 1902, and all amendments to March 8, 1909.)

Sec. 802. *Be it ordained by the Legislative Council of the City of Memphis,* That there is hereby created an executive department of the municipal government of the City of Memphis, which shall be known as the Department of Buildings.

Sec. 803. There is hereby created the office of Commissioner of Buildings, who shall be the head of said Department of Buildings, and shall be an experienced architect, civil engineer or builder, and who shall not be engaged in any other business while acting as Commissioner of Buildings.

Office of Commissioner of Buildings created.

He shall hold his office for the term of one year, and until his successor shall be appointed and qualified.

Term of office.

He shall be elected by the City Council, on the nomination of the Mayor, on or after the passage of this ordinance, and thereafter, up to January, 1903, annually, and at the same time other municipal officials are elected by the City Council.

How elected.

Sec. 804. Said Commissioner of Buildings, before entering upon the duties of his office, shall execute a bond to the City of Memphis, in the sum of \$10,000, with such sureties as the City Council may approve, conditioned for the faithful performance of the duties of his office. The bond shall be a guarantee company bond.

Bond.

Sec. 805. He shall have the management and control of all matters and things pertaining to the Department of Buildings.

Powers.

Sec. 806. Said Commissioner of Buildings shall be an able and experienced architect, civil engineer or master builder, with

Qualifications.

BUILDING REGULATIONS.

not less than five years' experience in his profession, and shall qualify by examination before a board of three, consisting of an architect, civil engineer and master builder, to be appointed by the Mayor. He shall be charged with the enforcement of all ordinances of the City of Memphis relating to the construction and inspection, alteration or repairs of buildings, and parts thereof. He shall make monthly reports to the Legislative Council of the transactions of his department, or oftener, if so required by the Legislative Council.

Salary.

Sec. 807. Said Commissioner of Buildings shall receive a salary of \$2,500 per annum, payable in monthly installments by the city, and he shall not receive any other fees or emoluments of any kind whatsoever for his services as such Commissioner of Buildings and head of said department.

Duties.

Sec. 808. Said Commissioner of Buildings herein provided for shall perform and discharge such duties and powers as may from time to time be imposed and conferred upon him by the ordinances of the City of Memphis, or by the requirements of the Legislative Council thereof.

Collect Fees.

Sec. 809. Said Commissioner of Buildings shall collect all fees, as provided for in this ordinance, and shall pay the same to the City Tax Receiver weekly, taking the receipt of the City Tax Receiver therefor, and shall make a monthly report of the said collections to the Legislative Council.

Issue permits.

Permits to be countersigned and entered with amount of fees by the City Secretary in a building record book kept in his office for that purpose.

PERMITS.

Permits
required.

Sec. 810. No person, firm or corporation shall begin or continue the erection, alteration, repair or removal of any building or structure within the corporate limits of the City of Memphis,

BUILDING REGULATIONS.

without first having applied for and obtained a permit so to do from the Commissioner of Buildings.

Sec. 811. In all cases plans and specifications, sufficient to enable the Commissioner of Buildings to obtain full and complete information as to the character of and exact location of the work proposed to be done under the permit, shall be filed with the application for permit, and if the cost of the work is to exceed \$1,500, complete scale plans and specifications, showing and describing all parts of the construction, shall be submitted, and, upon the issuance of a permit, a true copy of said drawings and specifications, signed by the architect or owner, shall be filed with the Commissioner of Buildings' office and remain on file there until the completion of all building operations had under said permit, when they shall be returned to the party who filed them; such plans and specifications so filed shall not be open to the inspection of others than those interested in the building or structure, and if not claimed by the proper party within two months after completion they shall be destroyed. All plans and specifications of buildings of a public character shall remain on file permanently in the office of the Commissioner of Buildings.

Sec. 812. If the matters mentioned in the application for a permit or the plans and specifications filed with the same indicate to the Commissioner of Buildings that the work to be done is not in all respects in accordance with the provisions of the city ordinances, he shall refuse to issue a permit therefor, until the same has been made so to comply, when he shall issue the permit.

To comply with ordinance before issuing permit.

The Commissioner of Buildings shall place his official seal upon all plans, etc., approved by him.

Official seal.

Sec. 813. The Commissioner of Buildings shall, within ten days after the filing of the plans, specifications and statement, approve the same or indicate in writing the alterations to be made therein to comply with the ordinance of the city.

To approve plans or state reason.

BUILDING REGULATIONS.

To file strain sheet. Sec. 814. With the plans and specifications of all buildings or structures over two stories in height there shall be filed with the application for a permit, a strain sheet, showing the weights carried by the several supports when the building is fully loaded and the safe load said supports will sustain; all loads, weights and strains and all strengths shall be computed from the formulæ given in this ordinance.

Temporary permit. Sec. 815. Permits for clearing the ground or excavating may be issued pending the completion of the plans and specifications; for such temporary permit a fee of 50 cents shall be paid, and such permits shall terminate in thirty days from date thereof.

Notice of proposed change in plans. Sec. 816. If, during the progress of the work upon any structure, it is desired to deviate in any manner affecting the construction or strength of the same, or of their stairways, elevators, fire escapes or other means of ingress or egress, from the plans and specifications upon which the permit was issued, notice of such proposed change must be filed in the Commissioner of Buildings' office, and his written permit obtained therefor before such alterations are made.

Unlawful to alter plans. It shall be unlawful to erase, alter or modify any lines, figures or colorings contained upon such drawings or specifications upon which the Commissioner of Buildings has issued a permit and placed the official stamp of his office.

Fees to be charged. Sec. 817. The fees for building permits shall be as follows: In case the estimated cost of any proposed change, alteration, addition or erection of building, buildings or structure shall not exceed the sum of \$100, the fee therefor shall be 50 cents for such permit; for over \$100 and not exceeding \$1,000, or a fractional part thereof, the fee shall be \$1; for over \$1,000 and not exceeding \$1,500, or a fractional part thereof, the fee shall be \$2.50; for over \$1,500 up to \$2,500, or fractional part thereof, the fee shall be \$4.00; for \$2,500 up to \$5,000, inclusive, or a frac-

BUILDING REGULATIONS.

tional part thereof, the fee shall be \$5.50; and for every \$1,000 over \$5,000, or fractional part thereof, the applicant shall pay the additional sum of 50 cents for such permit.

Fees for house moving as per Sec. 185.

Fee for estimating strength of floors in existing buildings, \$5.00.

Sec. 818. The Commissioner of Buildings may, in his discretion, estimate the cost of any proposed building or structure for which a permit is applied for, and, in case of any disagreement relative thereto, the Commissioner of Buildings may, before the issuance of any permit, require the owner, agent, architect or builder to make an affidavit, sworn to and subscribed before a competent officer, of the actual cost of proposed building when completed.

Commissioner may estimate cost of building.

Sec. 819. The duration of all permits shall be governed by the cost of the structure; they shall not exceed a period of three months for buildings costing \$5,000 or less; not exceeding four months for buildings costing between \$5,000 and \$10,000, and not exceeding six months for buildings costing between \$10,000 and \$50,000, and not exceeding twelve months for buildings costing over \$50,000; permits may be once renewed during the progress of the work, free of cost, without the right to use any part of the streets.

Duration of permits.

Sec. 820. Every permit shall be considered cancelled if active work is not commenced within the period of six months from the date of its issue.

Permits cancelled—when.

Sec. 821. If work upon any building shall be conducted in violation of any of the provisions of this ordinance, either as to occupation of sidewalk or street, or the use or application of material or workmanship, it shall be the duty of the Commissioner of Buildings to revoke the permit for the building operations in connection with which such violation shall have taken

May revoke permit.

BUILDING REGULATIONS.

place. And it shall be unlawful, after the revocation of such permit, to proceed with such building operations, unless such permit shall first have been reinstated or reissued by the Commissioner of Buildings. Before a permit revoked for the cause or causes before mentioned can be lawfully reissued or reinstated, the entire building and building site must be first put into condition corresponding with the terms of this ordinance, and any work or material applied to the same in violation of the terms of this ordinance shall be first removed from said building.

The revocation of a permit shall be in writing, and shall be served on the owner, or his agent, or on the tenants, or any one doing any of the work.

Contractor to
furnish bond.

Sec. 822. Every general contractor and subcontractor or owner shall annually, before engaging in the alteration, repairs, construction or erection of any building or structure, furnish and file with the Commissioner of Buildings an approved indemnifying bond, with good and sufficient sureties, in the sum of \$1,000, conditioned that the said party will indemnify and protect the City of Memphis against any and all loss or damage to the streets, alleys or other public property; also said party will save, indemnify and protect the City of Memphis against all costs and expenses which may in any wise accrue against said city in consequence of the operations covered by any permit that may be issued by the Commissioner of Buildings, and that said party will, in all respects, comply with this ordinance; *provided*, no bond shall be required where the amount of money necessary to be expended does not exceed \$300.¹

Each such bond shall cover all building operations by said party for a period of one year from the date of the bond.

¹ The clause "Provided no bond shall be required," etc., amendment September 10, 1903.

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Sec. 823. The Commissioner of Buildings, and his assistants, Inspect buildings—when. may, as far as necessary for the performance of their duties, enter any building or premises within the corporate limits of the City of Memphis, and proper and safe facilities for inspection shall be furnished.

Sec. 824. In the absence of the Commissioner of Buildings, Assistant Commissioner. one of the assistants may be designated by him to act in his place, and when so designated the assistant shall exercise all the powers and duties of the Commissioner of Buildings.

Sec. 825. No building, partition or structure shall be covered To notify Commissioner when building is ready for inspection. in by lathing, plastering, sheathing or otherwise until the Commissioner of Buildings has by examination ascertained that the said building, partition or structure has been built in compliance with the provisions of this article. The Commissioner of Buildings shall be notified by the owner, or his duly authorized agent, or by the builder, whenever any building is ready for inspection. And no building, partition or structure shall be covered in by lathing, plastering, sheathing or otherwise until such inspection is made and the Commissioner of Buildings has issued a certificate to the effect that the said building, partition or structure has been built in compliance with the provisions of this ordinance.

Sec. 826. No building shall be materially altered, or any of Alterations in buildings. the conditions changed, until full and detailed plans and specifications shall be filed in the Commissioner of Buildings' office, and the building examined by him and found to be in safe condition to be altered as proposed; and the building so altered shall conform to the requirements of this ordinance.

Sec. 827. Frame buildings within the inner fire district may be repaired to an extent not exceeding 10 per cent. of the value of the building; said repairs to be made to the entire satisfaction of the Commissioner of Buildings.

BUILDING REGULATIONS.

Bathroom and water closet additions to frame buildings now in the inner fire district may be built; but said additions must be constructed according to the size and conditions as prescribed by the Commissioner of Buildings.

Where frame buildings exist in the inner fire district, yard closets may be built of wood set on 9x12 brick piers; such yard closets to have metal roofs, and the wooden part of the same to be built to the entire satisfaction of the Commissioner of Buildings; said yard closets to be not less than 4x5 feet outside measurement, and 7 feet high, and to be painted with not less than two coats of paint.¹

Old brick may be used in construction work, provided they are strictly sound, whole and hard.¹

Building committee—power to act.

Sec. 828. When there is dissatisfaction with the action of the Building Commissioner on the part of any one who has applied to said Commissioner for permission to alter or make repairs on any building already constructed, the party applying to said commissioner and dissatisfied may, by petition, appeal to the Committee on Public Lands and Buildings of the Legislative Council, which committee shall have power to act in the premises, and whose action shall be final.²

To keep buildings in repair.

Sec. 829. The owner, agents or occupants having the care of buildings shall keep them in repair, and, when so notified by the Commissioner of Buildings, shall make needed repairs and shall point up and fill with mortar or cement all cracks, splits, fissures or loose materials and other defects in the walls or supports, to enable the Commissioner of Buildings and others to judge of changing conditions should they occur in any part of any such building.

¹ Section 827 passed April 22, 1903.

² Section 828 passed September 10, 1903.

BUILDING REGULATIONS.

Sec. 830. In the event of the discontinuance of building operations for a period of thirty days or more, the Commissioner of Buildings shall have authority to order the removal of all material and obstructions, and the reconstruction of sidewalks, streets and alleys in such a manner as he shall approve.

Order material
off sidewalks,
etc.

Sec. 831. Whenever in the opinion of the Commissioner of Buildings any building, or part thereof, or any structure, is in a condition dangerous to the occupants or those passing, by reason of bad condition of walls, overloaded floors, defective heating apparatus, vibrations from machinery, defective flues, confined or cramped stairways, insufficient exits, narrow or dark passageways, or from other like causes, said buildings, structures, or parts thereof, shall be deemed to be a public nuisance, and the Commissioner of Buildings may, at any time, require the owner, agent or occupant of any such building or structure to make such repairs or take such steps as in his opinion may be necessary for the public safety.

Dangerous
buildings.

Sec. 832. In case the owner, agent or occupant of any dangerous building or structure shall fail or refuse to make such repairs within three days after the service of any notice so to do by the Commissioner of Buildings, he, with the approval of the Legislative Council, may enter upon the premises and employ such labor and purchase such materials as in his judgment may be necessary to make any such building or structure safe, or prevent the same from becoming unsafe or dangerous; or he may, with the approval of the Legislative Council, demolish any such building or structure. Any party doing the work, or any part thereof, or furnishing any materials therefor, under and by direction of the Legislative Council, may bring and maintain an action against the said owner in the same manner as if he or they had been employed to do the said work, or furnish said materials by the owner or agent of the said building or struc-

Commissioner
to make dan-
gerous build-
ings safe.

BUILDING REGULATIONS.

ture. And the Commissioner of Buildings, by and with the approval of the Legislative Council, may remove all occupants of any dangerous building and prevent the same from being occupied until the same has been made safe and secure.

Buildings
damaged by
fire.

Sec. 833. Every wooden or frame building with a brick or other front which may hereafter be damaged by fire, or otherwise, to an amount not greater than one-half of its value, may be repaired or rebuilt; but if such damage shall amount to more than one-half of such value thereof, exclusive of the foundation, then such building shall not be repaired or rebuilt, but must be taken down.

Extent of
damage to be
determined by
surveyor.

The amount and extent of such damage by fire or otherwise shall be determined by one surveyor, appointed by the Commissioner of Buildings, and one surveyor appointed by the owner or owners of said premises, and, in case these two do not agree, they shall appoint a third party, and a decision of a majority of them, reduced to writing and sworn to, shall be conclusive. Such building shall in no manner be repaired or rebuilt until after such decision shall have been rendered, and, in case of refusal of the owner to submit to such appraisal, no permit shall be granted.

May appeal to
arbitration—
when.

Sec. 834. In cases where discretionary power to estimate the damage to buildings and their roofs is given the Commissioner of Buildings, as also in question relating to the security or insecurity of buildings or parts thereof, and in all cases where discretionary powers are by this ordinance given to the Commissioner of Buildings, an appeal to arbitration shall be allowed to parties believing themselves injured or wronged by the decisions of the Commissioner of Buildings as follows, to-wit:

The person wishing to make such appeal shall do so within forty-eight hours after written notice of the decision or order of the Commissioner of Buildings has been given him. An

BUILDING REGULATIONS.

appeal made later than forty-eight hours after serving of the notice of the Commissioner of Buildings shall not entitle the appellant to arbitration.

The request for arbitration shall be in writing, and shall state the name of person who is to represent the appellant in said arbitration. The Commissioner of Buildings shall thereupon state to the appellant the probable cost of such arbitration, and such appellant shall, within twenty-four hours from the time for filing the original request for arbitration, deposit with the Commissioner of Buildings a proper bond, or sum of money sufficient for the payment of the costs of such arbitration.

As soon as such bond or sum of money shall have been deposited, the Commissioner of Buildings shall appoint the arbitrator to represent the city, and the two arbitrators thus appointed shall select a third, and these three arbitrators shall, after investigating the matter in question, make a decision with regard to the same, which shall be final and binding upon the appellant, as well as upon the city.

The arbitrators shall be themselves placed under oath to the effect that they will faithfully discharge the duties of their position. Power of arbitrators.

They shall have power to call witnesses and place them under oath, and their decision or award shall be rendered in writing, both to the Commissioner of Buildings and to the appellant.

The amount to be allowed to each arbitrator is not to exceed \$2 per hour. The costs of such arbitration are to be paid by the city if the appeal is sustained; by the appellant if it is not sustained.

Persons desiring to introduce materials, appliances and processes of building, the use of which is not recognized in this ordinance, or improvements in the use of materials and processes or appliances mentioned herein, shall also have the right Introduction of materials not provided for.

BUILDING REGULATIONS.

to cause their demands to be referred to courts of arbitration under the same terms as those hereinbefore provided.

DEFINITIONS.

Sec. 835. In this ordinance the following terms shall have the meaning herein respectively assigned to them, viz.:

Definitions.

1. Alteration—Any change or addition in, to or upon any building, affecting any external walls, party walls, bearing walls, partition walls, chimneys, flues, floors, stairways or supporting construction of any kind; and “to alter” means to make such change or addition.

2. Repairs—The construction or renewal of any existing part of a building, or of its fixtures or appurtenances, by which its strength or fire risk is not affected, nor modified, and not made, in the opinion of the Commissioner of Buildings, for the purpose of converting the building, in part or in whole, into a new one.

3. Areas—Subsurface excavations adjacent to the building for the purpose of lighting and ventilating cellars or basements, and shall not exceed three feet in the clear from the house line or street sidewalks.

4. Foundation, Basement or Cellar Walls—That part of the walls or piers of a building that are below the floor or joists which are at or next above the grade line.

5. Grade—In referring to a street means the top of the street curbing on such streets where grades have been established by the city. Where no grade has been established, the existing grade at the building line is to be taken.

6. Foundation—That part of the walls or supports of a building that are below the floor or beams, which are at or next above the grade line.

BUILDING REGULATIONS.

7. Footing—Projecting course or courses under base of foundation walls or piers, etc. Definitions.

8. Depth of Foundations—The depth of foundation of any building shall be measured in each case from the level of the top of the curbing directly opposite said foundations.

9. Height of Stories—The perpendicular distance from the top of the floor joist or beams to the corresponding point in the next story.

10. Height of Structures—The perpendicular distance of the highest point of the roof above the grade; if erected on the street line the city curb is to be taken as the grade.

11. Building Line—The line of demarkation between public and private space.

12. Thickness of Wall—The minimum thickness of such wall.

13. Curtain Wall—The inclosing wall between piers and buttresses, steel or other supports.

14. Bearing Walls, Division Walls—Those walls upon which the joists, beams, trusses or girders rest.

15. Partition Walls—Any interior wall other than party walls, or bearing walls and sustaining no loads.

16. External Walls—Every outer or vertical inclosure of a building other than a party wall.

17. Party Wall—(a) A wall built upon a dividing line for the joint use of two owners; (b) every wall built or used as a separation of two or more buildings.

18. Brick, Pressed—Brick manufactured by high pressure in separate molds, and burned to the highest point of consolidation without vitrification.

BUILDING REGULATIONS.

Definitions.

19. Brick, Hard-Burned—Brick manufactured by the "continuous stiff mud" or other process, and burned almost to the point of vitrification and giving out a clear ringing sound when struck with metal.

20. Brick, Soft—Sometimes called salmon brick; light colored, soft, crumbly brick, will not ring when struck, absorbs large per cent. of moisture and of low crushing resistance.

21. Brick, Push-Placed—Brick laid in a bed of mortar and shoved or pushed to place in such a manner that all open space between the brick and the adjoining brick at the ends, side and bottom are completely filled with mortar.

22. Owner—Any person, firm, corporation or agent controlling, or collecting rents from property in this city.

23. Public Buildings—Every theater, opera house, college, hall, church, school or other buildings intended to be used for public assemblages or any part of any buildings so used.

24. Commissioner of Buildings—The Commissioner of Buildings of the City of Memphis; the officer having charge of the inspection of buildings and parts of buildings in the City of Memphis.

25. Tenement House—A building which, or any part of which, is occupied or intended to be occupied as a dwelling for three (3) or more families living independently and doing their own cooking on the premises; or by two (2) or more families above the first floor so living and cooking.

26. Factory—Any premises where steam or other mechanical power is used in the aid of any manufacturing process there carried on.

27. Streets—Shall include all public ways, alleys, lanes, courts and sidewalks between property lines.

BUILDING REGULATIONS.

28. Shed—A structure not exceeding one story in height, one Definitions.
or more of whose sides are open.

29. Frame or Wooden Building—Any building or structure having outer walls constructed in whole or in part of lumber or wooden frame work. All structures so constructed, whether covered with metal, slate, veneered, etc., or not shall be classed as frame or wooden buildings, and subject to the prohibition of this ordinance.

30. Veneered Buildings—A frame structure, the outside walls of which are covered above the foundation walls with brick or stone not less than three (3) inches on the bed or thickness, and shall be classed as a frame building.

31. Mortar: Cement—A mortar composed of one part of fresh cement to not more than three parts of clean, sharp sand, which is to be used immediately after mixing.

32. Mortar: Lime—A mortar composed of one part fresh-burned lime to not more than four parts of clean, sharp sand which would not be used before being thoroughly slacked for at least ten days.

33. Mortar: Cement and Lime—A mortar made of one part of cement, one part of thoroughly slacked lime, and not more than six parts of clean sharp sand.

34. Concrete—A mortar made of cement, clean, sharp sand and clean, broken stone not larger than hens' eggs, the whole to be thoroughly mixed when dry and then add only sufficient water to make a stiff mortar, deposited in place and rammed with a beater until the water forms at the top. The maximum proportions of materials shall be two (2) parts sand, four (4) parts broken stone, one (1) part natural cement; or three (3) parts of sand, five (5) of stone to one (1) of Portland cement. All cement to be fresh and dry.

BUILDING REGULATIONS.

Definitions. 35. Dwellings—Buildings, either detached or in blocks, used solely as a residence, and occupied by not more than two families.

36. Building Quality—As used in this ordinance is meant as follows:

Building of First Quality means "Fireproof Construction."

Building of Second Quality means "Skeleton Construction."

Building of Third Quality means "Slow Burning Construction."

Building of Fourth Quality means "Mill Construction."

Building of Fifth Quality means "Ordinary Construction."

Fireproof
construction.

37. Fireproof Construction—As used in this ordinance, shall apply only to buildings in which all parts that carry weights or resist strains are constructed wholly of stone, burnt clay, iron, steel or concrete, and in which all stairs, elevators, partitions and other permanent fixtures are made entirely of incombustible materials, and in which metallic structural members are protected against the effects of fire by coverings of a material entirely incombustible and slow heat conducting. The materials which shall be considered as fulfilling the conditions of fireproof covering are, first, brick; second, hollow tile or burnt clay; third, porous, terra cotta not less than three inches thick, laid around the metal in a bed of mortar and constructed in such a manner that there shall be an air space of at least one inch between the metal and said covering; fourth, two independent layers of plaster on metal lath, with not less than one inch space between the layers of plaster and between the plaster and the metal protected. In all cases the covered members shall alone support the covering. The filling between the beams supporting the floors or roof shall be arches of incombustible materials, approved by the Commissioner of Buildings.

Skeleton
construction.

38. Skeleton Construction—As used in this ordinance, shall apply only to such buildings wherein all loads and strains are

BUILDING REGULATIONS.

transmitted all the way to the foundations by skeleton or frame work of rolled iron or steel. In such frame work the beams and girders shall be riveted or bolted together at all junction points. All pillars shall be made of rolled iron or steel, and their parts shall be riveted to each other, and all beams or girders resting upon them shall have riveted or bolted connections. No cast iron lintels or columns shall be used in this construction. In all buildings of this construction, where the walls are carried by the metal frame work, the thickness of outside masonry shall not be less than 12 inches.

39. Slow-Burning Construction—As used in this ordinance, Slow burning construction. shall apply only to buildings in which the structural members which carry the loads and the floors and roofs are made in whole or in part of incombustible materials, but throughout which all members are protected against fire by covering of incombustible non-heat-conducting materials, similar to that described under the definition of "Fireproof Construction," except that single covering of plaster on metal lath shall be sufficient protection for the under side of joists that are not less than 4 inches in thickness, and that two-inch planks form the rough floor beneath the finished floor. No floor joists shall be less than 4x12 inches. Where posts of greater sectional area than 100 square inches, 10x10, are used, they need not be covered. All partitions and elevator enclosures shall be brick or terra cotta. Fire stops shall be used throughout; no wooden furring or wooden lath will be allowed.

40. Mill Construction—As used in this ordinance, Mill construction. shall apply to all buildings in which all the wooden girders and floor beams, supporting the floors and roof, have a sectional area of not less than 72 square inches, and above the joists of which there is laid a solid timber floor not less than 3 inches thick, or where covered with a finish floor $\frac{7}{8}$ inch thick the timber floor to be not less than $2\frac{1}{2}$ inches thick.

BUILDING REGULATIONS.

Wooden posts. Wooden posts in buildings of this class shall not be less in sectional area than 100 square inches.

Iron structural to be covered. When iron structural members are used they shall be covered with terra cotta, or as in "fireproof construction," but the wooden beams, girders and posts need not be covered. Fire-stops shall be used throughout, and all wood lath and furring is prohibited.

Iron caps for wooden posts. When wooden posts are used they shall have cast iron caps, so constructed as to form a base for the post next above, and form a continuous anchor lengthwise of girder to girder.

Ordinary construction. 41. Ordinary Construction—As used in this ordinance, means the ordinary system of construction in which timbers and other structural parts are not protected with fire-resisting coverings.

CLASSIFICATION OF BUILDINGS.

Sec. 836. As a means of reference in this ordinance, all buildings erected within the City of Memphis shall be divided into classes as follows, viz.:

Class I. In this class shall be included all buildings used for the sale, storage or manufacture of merchandise, and all livery, boarding and sale stables.

Class II. This class shall include all tenement or apartment houses, hotels, boarding or lodging houses, occupied by twenty or more people, all hospitals, asylums and office buildings.

Class III. This class shall include all dwellings and private stables.

Class IV. This class shall include all public buildings as defined by this ordinance.

Buildings of Class IV shall be divided as follows, viz.: Class IV (a) shall embrace all buildings of Class IV in which no movable scenery is used upon the stage thereof. Class IV (b) shall embrace all buildings of Class IV in which movable scenery is used upon the stage thereof.

BUILDING REGULATIONS.

Sec. 837. If buildings, the use of which bring them within any of the before mentioned classes are to be applied to the use of any other class for which a better system of construction is required by this ordinance, the construction and equipment of such buildings must first be made to conform to the requirements of this ordinance as specified, for their intended use, and it shall be unlawful to apply any building to a new or different use than that to which its construction and equipment adapts it under this ordinance, unless the requirements of this ordinance for such new or different use shall have first been complied with and a permit for such alteration or use shall have been obtained from the Commissioner of Buildings.

Sec. 838. No building shall be erected in the City of Memphis that is more than four times its least horizontal dimensions in height. In case of buildings that are more than one and one-half times their least horizontal dimensions in height, allowance shall be made for wind pressure, which shall not be figured at less than 30 pounds per square foot of exposed surface. When the dead weight of the structure is not sufficient to insure stability against wind pressure, the following precautions shall be taken to insure stability:

No buildings
four times
their horizon-
tal dimensions
in height.

First—Wrought iron or steel columns shall pass through two stories, with the joints broken in alternate stories.

Second—Rigid connections must be made between all members.

Third—A sufficient quantity of diagonal or portal bracing must be introduced in the construction to insure stability.

In buildings of this character, the use of cast iron columns will not be allowed.

Within the fire districts all buildings over five stories in height, or over eighty-five feet in height, except churches and grain elevators, shall be wholly of fireproof construction.

Fire districts—
buildings to
be fire-proof—
when.

BUILDING REGULATIONS.

Sec. 839. The maximum heights of all stories for buildings of Class I and II shall be as follows:

TABLE NO. 4.

Cellar or basement	not to exceed 15 feet
First story	not to exceed 19 feet
Second story	not to exceed 16 feet
Intermediate stories	not to exceed 15 feet
Top story	not to exceed 18 feet

To the top of the roof joist at the highest part of the roof.

Sec. 840. Fire District—All that portion of the City of Memphis embraced in the following described limits shall be known and designated as the Inner Fire District, viz.:

Inner fire
district.

Beginning on Wolf River, 150 feet north of the north line of Auction avenue, running east along said line to 150 feet east of Third street; thence south with said line to 150 feet north of Market avenue; thence east with said line to 150 feet north-east of Carroll avenue; thence with said line to 150 feet north of Poplar avenue; thence on said line, and parallel with Poplar avenue, to 150 feet east of Orleans street; thence south with said line to 150 feet northeast of Marshall avenue; thence east on said line to 150 feet east of Myrtle street; thence on said line to 150 feet south of Beale avenue; thence west with said line to 150 feet east of Lauderdale street; thence along said line to 150 feet south of Vance avenue; thence west along said line to 150 feet east of Wellington street; thence south on said line to 150 feet south of Broadway, or Railroad avenue; thence west and parallel with Broadway, or Railroad avenue, to the Mississippi River.¹

Sec. 841. *Be it further ordained*, That all that portion of the City of Memphis which is, by this amendment, excluded from the Inner Fire District be, and the same is hereby, added to and

¹ Section 840 as amended by ordinance passed May 10, 1909.

BUILDING REGULATIONS.

from the date of passage hereof shall be comprised within the Middle fire district.¹

Sec. 842. Beginning on the east bank of Wolf River 150 feet north of Chelsea avenue; thence parallel with Chelsea avenue to 150 feet east of North Bellevue boulevard; thence south parallel with North Bellevue boulevard to 150 feet south of Walker avenue; thence west and parallel with Walker avenue to the east bank of the Mississippi River.²

All that portion of the City of Memphis outside of the outer lines of the Middle Fire District shall be known as the Outer Fire District.

Sec. 843. Whenever two-thirds of the property owners upon any block or number of blocks in connected location shall petition for the same, and the petition is granted by the Legislative Council, the fire districts shall be extended to include the blocks, or number of blocks, mentioned in the petition; *provided*, that all changes thus provided for shall be from the outer to the middle, or from middle to inner fire district, and never in the reverse order.

Sec. 844. Building permits imply a license to occupy a part of the public streets and sidewalks for private use in connection with actual building operations, and it shall be unlawful to occupy any part of the street or walk before building operations have commenced, or after the same have ceased. It shall be unlawful to place upon the street or walk anything not required for immediate use in connection with the structure then being erected, and when the building is under roof all materials shall be placed within the lot lines and the streets and walks cleaned and put in the same condition as before building operations commenced.

¹ Section 841-842 as amended by ordinance passed May 10, 1909.

² Section 842 as amended by ordinance passed May 10, 1909.

BUILDING REGULATIONS.

Sec. 845. Building permits shall not permit the use of any street or walk, or any part thereof, other than immediately in front of the lots upon which the building is being erected, and then only to the extent of not exceeding one-third of the street from the lot line; when there are car tracks in the street all obstructions shall be kept back six feet from the nearest rail of said tracks.

No obstructions near fire plug.

Sec. 846. No obstruction of any kind shall be placed within twenty feet of any fire plug or fire system.

Where building materials are placed in public alleys, sufficient unobstructed space shall be left open and free at all times for the free passage of fire apparatus and vehicles.

Portion of street used for building operations to be enclosed.

Sec. 847. Within the inner fire district that part of the street permitted to be used for building operations shall be inclosed with a tight board fence, extending from the lot line on one side around to the lot line on the other side, and it shall be unlawful to obstruct any part of the street or walk before such fence is in place, and a temporary plank walk shall be built from the permanent walk on one side around to the permanent walk on the other side. The walk shall be built of four 2x12 planks on 2x4 sleepers, with one inch space between the planks. During the occupation of the street, said fence and walk shall be kept in good repair. No shavings or straw or loose materials shall ever be placed upon the streets, and when materials causing dust are to be handled they shall be kept wetted down. All excavations along the street or walk shall be at all times safely guarded and protected by suitable fence or railing. When walks are being built adjoining the street line the walk shall be closed and persons prevented from passing on sidewalks, unless the walks are roofed, as provided in Sec. 844 of this ordinance.

Derricks on sidewalks prohibited.

Sec. 848. Within the inner fire district, at buildings more than four stories in height, the use of derricks set upon the side-

BUILDING REGULATIONS.

walks is prohibited. Material for such buildings shall be hoisted within the inclosing walls of same.

On no condition will derrick posts be allowed upon the public streets, and in no case shall guy lines be less than 15 feet above the road bed.

Sec. 849. The regulations for the use of the streets outside of the inner fire district are the same as the inner fire district, only the fence is not required, and when three feet of the sidewalk is left open, free and clean, the temporary walk will not be required. No fence required—when.

Sec. 850. The gutter or waterway of any street shall not at any time be obstructed so as to prevent the free passage of water along the same at all times.

Sec. 851. Mortar beds shall be placed and protected so as to protect the clothing of persons passing; in the inner fire district mortar beds for mixing plaster shall not be located upon any street or public way, unless within a closed fence. Mortar beds.

Sec. 852. Red lights shall be placed and maintained from sunset to sunrise of each day at both ends of every obstruction upon any street or alley, and at intervals of 75 feet along the same. Red lights at obstructions on streets.

Sec. 853. Whenever the erection, alteration or repair of a building is being made adjacent to the line of any street within the inner and middle fire districts, the Commissioner of Buildings may require the whole of the sidewalk to be covered with two thicknesses of two-inch plank upon proper supports, elevated not less than 12 feet above the walk; the said covering to have a substantial guard or railing, at the outer edge the railing to be closed, and not less than four feet in height. Sidewalk to be covered with plank.

Sec. 854. The use of any part of the sidewalks for steps or for open areas is prohibited, but porticos, columns, pilasters or

BUILDING REGULATIONS.

other entrance features may be made to project upon the sidewalk by special permission of the Commissioner of Buildings.

[Show windows may be made to project upon the sidewalk 16 inches from the building line.]¹

Areas for
light and
ventilation.

Areas for light and ventilation may be built upon the sidewalk of any street, but shall not extend from the building line onto the sidewalk more than three feet where the sidewalk is not more than 12 feet wide. No areas shall be built in any public alley except by and with a permit of the City Engineer, filed with the Commissioner of Buildings, stating the location and size of such areas.

All areas shall be covered with safe and substantial non-combustible covers, capable of sustaining a distributed load of not less than 150 pounds for every square foot of surface, and all such coverings shall be flush with the sidewalk.

Where areas are covered with glass in iron or concrete frames, such glass lights shall not exceed four inches square.

Iron doors.

Where iron doors are used over any openings in sidewalks, the frame and hinges must be flush with the top of the sidewalk.

In no case will any raised obstructions of any kind be permitted upon sidewalks.

Retaining
walls.

Retaining walls around all areas are to be of thickness and strength to resist all pressure against same, to be laid with hard brick in cement mortar.

Bay windows.

Sec. 855. The limitations of dimensions and of positions of bay windows or other parts of buildings projecting over the street line of any building within the city shall be as follows:

First—No bay window or projecting part of any building shall be less than 12 feet above the sidewalk.

Second—No bay window or other parts of any building shall project over any street or alley more than three feet, nor over any street or alley that is not at least 20 feet in width.

¹ Clause in brackets passed July 5, 1905.

BUILDING REGULATIONS.

Third—No such bay window or projecting part of any building shall have a frontage greater than 15 feet.

Fourth—There shall not be more than one bay window to every 25 feet of frontage, or fractional part thereof.

Fifth—No two such bay windows shall be less than five feet from each other; *provided*, that in the first and second quality buildings bay windows may be carried from corner to corner of such buildings, on a segment or an angle of not more than 30 degrees, and only to within two feet of any corner of said building. The corners herein mentioned shall not extend beyond the limits of the lot or lots upon which the building is to be erected, for which the permit is issued, and the center of a party wall where it intersects a lot line, shall be termed a corner.

Sixth—No such bay window shall be nearer than three feet to the dividing line of the lot or premises, and no such bay window or oriel window shall be built to a height of more than 60 feet above the sidewalk level, unless built of incombustible material throughout.

Nothing herein contained shall, however, limit the number or size of any bay or oriel windows, which are built entirely within the street line limits of a lot.

Sec. 856. Cornices or other projections of stone or heavy materials shall, in all cases, have 65 per cent. of the weight of the same inside of the outer face of the wall, or shall be securely anchored so that the cornice shall be firmly balanced upon the walk. Cornices.

Sec. 857. If the written consent and a waiver of claims for damages against the City of Memphis of the owners of property abutting upon the site of any proposed building is obtained and filed with the Commissioner of Buildings, the permission to occupy the roadway and the sidewalk may be extended beyond the city limits of such building, upon the same terms and con-

BUILDING REGULATIONS.

ditions as those herein fixed for the occupation of the street and sidewalk in front of the building itself, by application for permit from Commissioner of Buildings.

Material to be used in buildings in inner fire district.

Sec. 858. Every building hereafter erected or altered within the inner fire district shall be of brick, stone, steel, iron or other substantial and incombustible material, except as otherwise provided for.

No wooden building or structure shall be moved to any lot within the inner fire district.

No frame structure, building or shed shall be erected, altered or raised within the inner fire district, except as herein provided.

All roofs within the inner fire district must be of incombustible material, approved by the Commissioner of Buildings.

Grain elevators.

Grain elevators, located along railroads and river front, if isolated, may be erected within the inner fire district, provided that crib construction is used not less than six inches thick, and that the walls are covered on outside with sheet iron sheathing, and the roofs to be of incombustible material.

Location of all grain elevators must be approved by the Legislative Council.

No brick walls within the inner fire district to be less than 13 inches thick.

No stone walls within the inner fire district to be less than 18 inches thick.

Joists.

Within the inner fire district no joists or girders are to be built into the walls, but shall be supported by pilasters, offsets or standard joist hangers or corbels¹ of approved and proper strength and size.

¹ The words "or corbels" amendment of April 22, 1903.

BUILDING REGULATIONS.

Within the inner fire district all flues to have the walls in- Flues.
closing same not less than eight inches thick throughout the
entire height of same, and plastered on inside, and all bricks
to be push-placed.

Sec. 859. Within the inner fire district all dormers, gables, Gables, domes,
domes, towers, spires, cornices, gutters, bay windows, balconies, bay windows,
porches, bulkheads, tank houses, roof covering and other append- etc.
ages placed on buildings shall be constructed of incombustible
materials, except as herein provided. Lookouts for metallic cor-
nices must be of angle iron and walled into solid walls.

Sec. 860. No wooden or canvas sign over 24 inches in width Signs.
shall be placed upon the side or top of any building within the
inner fire district, nor shall any such sign have other than the
ends nearer than five feet of any other sign of wood or canvas,
nor shall any such sign project over the lot line upon any
street of the city, except by and with the approval of the Com-
missioner of Buildings. [No such signs to remain on building
or elsewhere longer than 60 days.]¹

Sec. 861. All permanent signs or other appendage placed upon
the top or sides of buildings, within the inner fire district, shall
be wholly of incombustible materials, and the hanging, placing
and fixing of all such work shall be subject to the approval of
the Commissioner of Buildings. The placing and securing of
all bill boards and like structures shall be subject to like ap-
proval, and neither shall be erected without a written permit
of the Commissioner of Buildings.

Sec. 862. No bill boards, or bulletin boards, or any other ad- Bill boards.
vertising boards of any character shall be erected or maintained
within the limits of the city, except as herein specified: Ten feet
in height, to have 6x6 posts, 4 feet in the ground; 12 feet high,

¹ In brackets amendment Section 860 passed November 28, 1906.

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to have 8x6 posts, 4 feet in the ground; 16 feet in height, to have 8x8 posts, 5 feet deep in the ground. All posts to be set not more than eight feet from center to center, and to be braced from the rear with diagonal braces. Every bill board or bulletin board, or any other advertising board, to have a space left open at the bottom of a height of three feet, running the entire length of the board, except where the entire lot is inclosed, in which case they may run to the ground.²

Not to move
wooden struc-
ture—when.

Sec. 863. No frame or wooden building or structure shall be moved into any locality where it would be unlawful to build such a building or structure, provided that outside of the inner fire district, with the approval of the Commissioner of Buildings, frame buildings may be moved from the front of the lots toward the rear of the same lots for the purpose of making room for better improvements in front.

Buildings for
exhibition.

Sec. 864. Whenever any person, firm, corporation, exposition commissions, or the officers of said city, shall wish to erect a public building, or buildings for exhibition, shows or other purposes, and desire to use in the same materials which do not conform to the requirements of this ordinance, the same may be authorized by the Legislative Council, provided the plans and specifications for the same meet with the approval of the Commissioner of Buildings.

Frame work—
when.

Sec. 865. Outside of the inner fire district, buildings used as dwellings or private stables may have the gables, dormers, porches and all of the walls constructed of frame work, except as herein provided.

Storage of
grain or ice.

Sec. 866. Outside the inner fire district buildings used exclusively for the storage of grain or ice may be constructed with

² Section 862 passed November 28, 1906.

BUILDING REGULATIONS.

solid wooden walls in the manner known as "crib construction," provided that such walls shall not be less than six inches thick.

Sec. 867. Outside of the inner fire district frame buildings may be erected not exceeding two stories, basement and attic, in height. If such frame building has a basement story of masonry the top of same shall not exceed six feet above the highest grade.

Sec. 868. Outside of the inner fire district tank houses, bulkheads, etc., upon the roof of any building may be built of wood and covered with tin or iron, cement, plaster or metal lath or tile, but such structure shall not be over 14 feet in any dimension, nor shall there be more than one such structure upon any one building.

Sec. 869. Outside of the inner fire district, pavilions, summer houses and children's playhouses may be built inside of private grounds, of wooden frame work, provided that such structures are not nearer than 10 feet of any brick or stone building, or within 20 feet of any frame, and it shall be unlawful to use any such building for any other purpose than those mentioned in this section.

Sec. 870. Permits to alter or raise wooden buildings shall be given for such buildings located outside of the inner fire district, *provided* they do not involve an enlargement or raising of such buildings beyond the limits of dimensions herein prescribed for frame buildings, and if the strains upon material thereof are kept within the maximum strains herein fixed for the same; and if, further, said frame building has not been damaged to any extent greater than 50 per cent. of its original value by fire, wear and tear, the action of the elements, or otherwise.

BUILDING REGULATIONS.

To raise
frame build-
ings.

Sec. 871. Any frame building may be raised for the purpose of constructing a basement story under such building. The principal floor of such building shall not be elevated more than six feet above grade of sidewalk, except one-story cottages, which may be raised twelve feet.

If the building to be raised is a church or other hall or assembly room, the thickness of the basement wall shall be proportioned to its length and other conditions, to be approved by the Commissioner of Buildings; *provided*, that if, in the opinion of the Commissioner of Buildings the raising of such building, by reason of its condition or situation, or of its being detrimental to surrounding property, or to the health of the inhabitants of that vicinity, then and in that case a permit to raise such building shall not be issued by said Commissioner of Buildings, and that his decision thereon shall be final.

The above and foregoing shall apply and be applicable to any and all cases where the buildings proposed to be raised may be or shall have been affected by a change of grade, or the grading of any street or streets or otherwise.

To veneer
frame build-
ings.

Sec. 872. Any existing two-story frame building outside the inner fire district, used exclusively for dwelling, that is in good condition and suitable for the purpose, may be veneered three to eight inches of stones or brick, the Commissioner of Buildings having examined such structure and given his permit for such veneering. In the same fire districts two-story frame buildings may be erected for dwellings and veneered as above provided.

Sec. 873. Outside of the inner fire districts frame structures may be finished on the exterior with stone or brick veneer, cement, stucco, slate, sheet metal or dressed wood.

The use of rough boards and battens is prohibited.

BUILDING REGULATIONS.

Sec. 874. Whenever it is proposed to begin any excavation for Excavations. any building, and there shall be walls or structures wholly or partly on adjoining lands, or near the intended excavations, then the party causing such excavations to be made shall notify the owner or owners of such adjoining walls or structures of such intended excavation at least 15 days before starting same, and also of the depth to which it is proposed to make said excavation. The owner or owners of the adjoining walls or structures shall have the right to enter upon the property of the party causing the excavations to be made, for the purpose of securing their walls or structures, at such times as he or they are notified that such excavations are to be made, and within fifteen days after receiving such notice shall proceed to care for and make safe his or their wall or structures to the depth of sixteen feet below the curb line immediately in front of said wall or structure. In all cases where the walls have been extended to this depth (sixteen feet), then the party causing the excavations to be made shall at his own expense underpin and protect and sustain all adjoining walls that are down to the depth of sixteen feet.

Sec. 875. In case the owner or owners of the adjoining walls or structures neglect, fail or refuse to properly protect their walls, or structures, then the party causing the excavations to be made shall notify the Commissioner of Buildings, in writing, certifying that the first notice mentioned in the preceding section has been served, and upon whom, and how served; then the Commissioner of Buildings shall, in writing, notify the person or persons mentioned in the first notice and any others he may deem to be in any way interested, that excavations are to be made adjoining their walls or structures, and that they are required by the ordinances of the city to underpin, protect and support their walls or structures to the depth of sixteen feet below the established grade of the street; and in case they

To protect
walls for
excavations.

BUILDING REGULATIONS.

fail or refuse for a period of three days after being so notified by the Commissioner of Buildings, the Commissioner of Buildings may enter upon the property, employ such labor, purchase such materials and take such steps as in his judgment may be necessary to make the adjoining walls or structures safe and prevent the same from becoming unsafe or dangerous, at the expense and cost of the owner or owners of such adjoining walls or structures. Any party doing such work or furnishing said materials, or any part thereof, under and by direction of the Commissioner of Buildings, may bring and maintain an action against said owner or owners, in the same manner as if he had been employed to do said work or furnish said materials by the owner or owners of said walls or structures.

Sec. 876. All excavations shall be so protected by persons making them, that adjoining soil shall not cave in and shall be properly guarded and protected so as to prevent the same from becoming dangerous to life, limb or property.

The Commissioner of Buildings shall have power to cause the removal of all building materials from any public alley and close same to prevent caving, and the persons making the excavations shall put down sheet piling for protection.

Foundations.

Sec. 877. Every brick, stone or iron building hereafter erected in the City of Memphis shall be built upon a foundation, the footing or lowest course of which shall not be less than twenty-four inches below the natural surface of the earth, and upon firm, solid ground, suitable for the purpose. In case solid ground is not reached then the footings shall be laid upon driven piles, timbers, rip-rap or such other work as shall be approved by the Commissioner of Buildings. Foundations shall not be laid upon made or filled ground, or on soil containing admixture of organic matter. The surface of the ground around all buildings shall be graded so that the water shall drain away from the walls of the buildings.

BUILDING REGULATIONS.

Sec. 878. Piles intended for a wall, pier or post to rest upon, Piles. shall not be less than twelve inches in diameter at the butt end, and shall be spaced not more than thirty-six inches between centers and less if required by the Commissioner, and shall be driven to a solid bearing and have their tops at an elevation to insure constant immersion.

There shall not be less than two rows of piles under all external or party walls, excepting under walls not exceeding twenty feet in height, where a single row of piles may be used if deemed advisable by the Commissioner of Buildings.

Where ranging and tapping timbers are laid on piles for foundation, they shall be of hard wood, not less than six inches thick, and properly joined together, and laid at a depth to insure constant immersion.

The greatest load to be allowed on any pile shall be deduced from the formula:

$$L \text{ equals } \frac{2xWxH}{S+1}$$

In which "L" equals the safe load in pounds;

W equals weight of hammer in pounds;

H equals fall of hammer in feet, and

S equals penetration under last blow in inches,

assumed to be sensible and at an approximately uniform rate.

Where a steam hammer is used, the following formula may be applied:

$$L \text{ equals } \frac{2xWxH}{S+1}$$

Sec. 879. The foundation walls of every building, and the internal supports shall rest upon footings of stone, hard-burned brick, concrete, steel or iron bedded in concrete; and such foot-

BUILDING REGULATIONS.

ings shall not be less than 12 inches wider than the wall or pier immediately above them, and the foundation soil shall not be loaded more than the following:

	Per. Sq. ft.
Dry hard clay	3 tons
Moderately dry clay	2 tons
Soft, wet clay	1 ton
Quicksand or alluvial soils	1½ tons
Clean, dry sand	2 tons
Sand, compact and well cemented	4 tons
Gravel and coarse sand, well cemented	8 tons

The width of all footing and ranging timbers shall be at least sufficient to meet these requirements.

External walls. Sec. 880. Buildings whose external walls are over 60 feet in height shall have dimension stone footings of hard laminated stone or Portland cement concrete, not less than twelve inches thick, and if of stone, the stone shall cross the wall in one length, and project equally on both sides, except on party lines. When the external walls of any building exceed eighty feet in height the footings shall rest on a bed of concrete not less than fifteen inches in thickness and twelve inches wider than the footing laid upon it. If brick footings are used they shall be "stepped up" in double courses with two-inch offsets; this is to apply to buildings of Classes I, II, and IV.

Footings to
brick founda-
tions.

The footings to brick foundations and piers to buildings of Class III shall start with a double course at bottom, and single offsets above same, not to exceed two inches at each course. If iron or steel beams are used as part of the footings they must be placed in a bed of concrete extending not less than eight inches below and on all sides of the rails; the ingredients of the concrete must be such that after proper ramming the interior of the mass will be free from cavities. The off-sets of concrete footings to be one-half of the course below.

BUILDING REGULATIONS.

Sec. 881. Foundation walls shall be built of stone, hard-burned brick (and with cement mortar) or concrete; if built of brick they shall not have a less thickness than shown in Table No. 3 to a depth of sixteen feet below the grade line, and for every additional ten feet, or part thereof, deeper, they shall be increased four inches in thickness, except as provided in Section 880 of this Ordinance.

Sec. 882. In all Buildings of Classes I, II and III, the distance between the bottom of the first floor joists and the ground shall not be less than two feet, and such space shall be well ventilated and drained.

Sec. 883. In all buildings of Class III all brick or stone piers or walls shall not be less than eleven inches in the ground, and more if solid ground is not reached; footings to all piers and walls to be not less than four and one-half inches all around, with two offsets; timbers for this class to be as follows: Sills must not be less than 4x8 inches for one story dwellings; for two story dwellings 6x10 inches; joists for frame dwellings, Class III, to be as follows: 2x8 inches, and must not be longer than fourteen feet; 2x10-inch joist must not be more than eighteen feet long, spaces twenty-inch centers. Double headers and trimmers along all hearths and fire places. All joists to be cross-bridged; 2x4-inch ceiling joists must not be longer than twelve feet; 2x6-inch ceiling joists must not be longer than eighteen feet; space for wood ceiling not more than twenty inches, plastered ceiling sixteen inches. Stud partitions sixteen-inch, plastered partitions sixteen-inch centers. Rafters for pitch roof, 2x4 inches, not to exceed twelve feet in length, space not to exceed twenty-four inches on centers; 2x6-inch not to exceed twenty-four feet in length, and spaces not to exceed twenty-four inches on centers, and have wind braces one in their height. Valley rafters not to be less than 2x8 inches, and not longer

BUILDING REGULATIONS.

than sixteen feet. Valley rafters over twenty-four feet long to be doubled with not less than 2x10 inch.¹

Sec. 884. Foundation walls for veneered buildings are not to be less than twelve inches in thickness, if of brick, and not less than eighteen inches in thickness if of stone.

Sec. 885. Frame buildings of Class III, not having cellars under same, may have nine-inch foundation walls.

Piers 9x21 inches, spaced eight feet on centers, may be used to support one-story frame buildings, *provided*, that the height of the piers does not exceed eight times their least horizontal dimensions; if so, add four inches to thickness.

Two-story frame buildings may have 9x25-inch piers under sills, spaced eight feet on center, *provided* the height does not exceed three times the least horizontal dimension; if so, add four inches to the thickness. The height to be measured from the bottom of footings, which shall be double the width of walls or piers.

Sec. 886. The load placed upon walls, piers, or other supports of masonry, shall never exceed the limit given in Table No. 5.

TABLE NO. 5.

	Safe Load Per Sq. Ft. Tons.
Ordinary brick, laid in lime mortar	3
Ordinary brick, laid in natural cement mortar	5
Hard brick, laid in lime mortar	6
Hard brick, laid in natural cement mortar	8
Press brick, laid in natural cement mortar	10
Press brick, laid in Portland cement mortar	12

¹ Section 883, amendment January 5, 1905.

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Oolitic limestone rubble masonry	5
Oolitic limestone dimension stone	6
Oolitic limestone, dimension, with dressed beds	7
Granite	125
Marble	104
Concrete (Portland cement)	4

The external walls of all buildings embraced in Class I, and all buildings over four stories in height, shall be of a thickness not less than indicated by Table No. 2.

TABLE NO. 2.

No. of Stories	Thickness of Walls in Inches.												
	Basement	First Story	Second Story	Third Story	Fourth Story	Fifth Story	Sixth Story	Seventh Story	Eighth Story	Ninth Story	Tenth Story	Eleventh Story	Twelfth Story
One	17	13											
Two	17	13	13										
Three	21	17	17	13									
Four	25	21	17	17	13								
Five	25	21	21	17	17	17							
Six	29	25	21	21	17	17	17						
Seven	29	25	21	21	21	17	17	17					
Eight	33	29	25	21	21	21	17	17	17				
Nine	33	29	25	25	21	21	21	17	17	17			
Ten	37	29	29	25	25	21	21	21	17	17	17		
Eleven	41	29	29	25	25	25	21	21	17	17	17	17	
Twelve	41	29	29	29	25	25	25	21	21	21	17	17	17

Where it is desirable or necessary to increase the heights of stories more than heights given in Table No. 1, the walls of the buildings shall be increased four inches in thickness from the ceiling beams of such story so increased to the bottom of the foundation.

To increase
the height of
stories.

Sec. 887. All buildings that are over 100 feet in width, or over 150 feet in depth, without proper cross walls or buttresses,

BUILDING REGULATIONS.

shall have all external and party walls increased four inches in thickness, and a further increase of four inches for every fifty feet, or fraction thereof, said walls are longer than the above dimensions.

If in any horizontal section through any wall in any building there shall be more than twenty-five per cent, of flues and openings, then such wall shall be increased four inches in thickness, and the walls below made the same or greater in thickness.

If the distance between bearing walls or bearing wall and girder is twenty-four feet or over, then such wall shall be increased four inches in thickness.

Party walls.

Sec. 888. Party walls (a) intended for the use of two or more owners, when not over four stories in height, shall not be less than four inches thicker than is required by Table No. 2.

When five stories or over in height the thickness of walls at the top story to be not less than seventeen inches, with the thickness of walls at each story under same increased four inches more than given in Table No. 2.

Party walls (b) between buildings, belonging to the same owner and erected at the same time, shall not be less in thickness than shown in Table No. 2 for external walls for buildings of the same class.

Hollow walls.

Sec. 889. In all walls the same amount of materials may be used in piers or buttresses or for hollow walls, but when such construction is employed it shall be subject to the approval of the Commissioner of Buildings. All hollow walls shall be properly bonded together with brick, stone or terra cotta or with galvanized iron wire ties, not over three feet apart in any direction.

Sec. 890. Buildings of Class I, outside of the inner fire district, when not over forty feet in length, and not over twenty-five

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feet wide, and not exceeding sixteen feet in height, may have walls four inches less in thickness than given in Table No. 2.

Sec. 891. Partition walls may be four inches less in thickness than the dimension shown in Tables Nos. 2 and 3, for external walls, *provided*, that no brick wall shall be less than nine inches in thickness, and no nine-inch wall shall exceed two stories in height, or sixty feet in length; and no thirteen-inch partition wall shall exceed three stories in height, or 150 feet in length, without cross walls, or proper buttresses for lateral support.

Sec. 892. Walls facing courts, light shafts or wells, if not bearing walls, may be four inches less in thickness than given in Table No. 2, *provided* no wall is less than thirteen inches thick.

Sec. 893. In the middle and outer fire district, the external walls of all buildings embraced in Classes II and III when not more than four stories in height, shall be of a thickness not less than that indicated in Table No. 3.

TABLE NO. 3.

No. of Stories.	Thickness of Walls in Inches.				
	Basement	First Story	Second Story	Third Story	Fourth Story
One Story	13	9			
Two Story	17	13	13		
Three Story	21	17	13	13	
Four Story	21	17	17	13	13

Provided, that dwellings and private stables may have thirteen-inch walls in the basement and nine-inch walls on the second story; and *provided further*, that no nine-inch wall shall have

BUILDING REGULATIONS.

a greater length than forty feet, or greater height than twelve feet, when so used without cross walls or proper return angles to stiffen said walls.

Party walls. Party walls in buildings not exceeding four stories high, of Class II to be four inches thicker than indicated by Table No. 3.

Sec. 894. If buildings are made fire-proof entirely and have skeleton construction so designed that their inclosing walls do not carry the weight of the floors or roof, but are themselves supported by the foundation and properly anchored to metal framework, the walls may be the thickness called for in Table No. 4.

TABLE NO. 4.

No. of Stories.	Thickness of Walls in Inches.												
	Basement	First Story	Second Story	Third Story	Fourth Story	Fifth Story	Sixth Story	Seventh Story	Eighth Story	Ninth Story	Tenth Story	Eleventh Story	Twelfth Story
One	13	13											
Two	17	13	13										
Three	17	13	13	13									
Four	21	17	13	13	13								
Five	21	17	13	13	13	13							
Six	25	17	17	13	13	13	13						
Seven	25	17	17	17	13	13	13	13					
Eight	29	21	17	17	17	13	13	13	13				
Nine	29	21	21	17	17	17	13	13	13	13			
Ten	29	21	21	21	17	17	17	13	13	13	13		
Eleven	33	25	21	21	21	17	17	17	13	13	13	13	
Twelve	33	25	25	21	21	21	17	17	17	13	13	13	13

In Tables Nos. 2, 3 and 4, a thirteen-inch wall means one and one-half brick thick, and for each four-inch increase in thickness means a half brick added.

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Sec. 895. All changes in the thickness of walls shall be at the top of the joists, and not otherwise, and that portion of the walls above the ceiling joists shall be of the same thickness as given for the upper story, and when the external or party walls pass more than four feet above the last joists it shall be classed as a full story.

Changes in thickness of walls.

Sec. 896. All interior walls supporting joists shall be carried up to the top of said joists and plastered flush with the top of the joists, unless the same are the ceiling joists, which in all flat-roofed buildings and in all buildings of Class I and IV, the walls shall be carried to the top of the roof joists, leaving no openings in the attic, unless said openings are covered with iron doors, and said doors closed at all times when not in actual use.

Interior walls.

Sec. 897. In no case shall the front or side walls of a building be carried up more than ten feet in advance of the other walls, unless by permission of the Commissioner of Buildings, in which case iron anchors shall be built into all angles and joinings.

Side walls.

Sec. 898. The front, rear and side walls shall be properly bonded together, or anchored to each other every five feet in height, by suitable wrought iron anchors at the corners.

Sec. 899. The external and party walls of all buildings with flat roofs shall be carried at least thirty-six inches above the roof and coped with stone, cement, iron or terra cotta, except such walls as are finished with a gutter or cornice, when the walls shall extend to the under side of the roof boards.

Party walls.

All parapet or fire walls extending over four times their thickness above the roof timbers shall be securely braced with iron braces, each twelve feet in length of wall.

Fire walls.

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Opening in
party wall.

Sec. 900. It shall be unlawful to cut or leave any opening in any division or party wall above the first story, except as herein provided; all such openings to be approved by the Commissioner of Buildings, and a permit issued therefor. Every opening left in or cut through a division or party wall shall be closed with iron or metal-covered doors, hung on each side of the wall to iron or metal-covered frames, or to iron hinges bolted through the wall; all such doors shall be self-closing, and held open only by a cord that will readily burn and allow the doors to close. No such opening shall be more than ten feet in height or width, and all such openings shall be closed at the end of each day's business and not opened until the next business day.

Recess for
pipes cut into
wall.

Sec. 901. No recess for pipes, ducts or other purposes shall be cut into any wall more than one-third the thickness of the wall, and then only in vertical lines, and no recessing or cutting shall be done in any nine-inch wall, nor nearer than six feet of any outer angle; horizontal recessing is unlawful. All recessing or openings in walls shall be filled in solid around pipes or ducts, from twelve inches below to twelve inches above the joist with cement; all recesses to be plastered with cement.

Sand in
mortar.

Sec. 902. All brick laid in non-freezing weather shall be wet immediately before being laid. The sand used for mortar in all buildings shall be clean, sharp and coarse sand, to be well washed and free from loam or other voids.

Salmon brick.

Sec. 903. No salmon brick shall be used in any building where exposed to the weather, or in piers, nor in any part of any wall where there is unusual weight, or where there is more than thirty-five feet of wall above them; and in no case shall more than 15 per cent. of salmon brick be used, and no old brick shall be used in buildings of Classes I, II and IV. No chimneys to be built of old brick in any building.

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Sec. 904. The walls, piers, buttresses and other portions in all Walls bonded. buildings shall be properly bonded and solidly put together with close joints filled with mortar; they shall be built to a line, and carried up plumb, straight and true from bottom to top.

Sec. 905. All brick walls and piers shall be built with headed Brick walls. courses at least every fifth course, the headers slapped over each other and going through the wall, except where face brick are used.

Press brick facing must be bonded to backing at least once in every five courses by solid header or clipped corners for blind headers.¹

Pressed brick facings must be bonded to the backing at least Brick facing. once in every five courses by solid headers or galvanized iron wall ties; the clipping of corners for blind headers is prohibited.

Sec. 906. Walls may be built with a facing of stone, terra Stone facing. cotta or other suitable materials securely tied to a backing not less than nine inches of hard-burned brick laid in proper manner, but the thickness of backing shall not be less than required for brick walls of the same height.

Sec. 907. No wall of brick or stone shall be supported in Wall support. whole or in part by wooden posts or girders.

Sec. 908. Walls heretofore built for and used as party walls, Party walls heretofore built. whose thickness at the time of their erection was in accordance with the then existing laws, may be used if in good condition for the ordinary uses of party walls; *provided* their height is not increased or the load placed thereon comes within the limit of safety.

Sec. 909. Four and six-inch hollow tile partitions of hard- Hollow tile partitions. burned clay, or porous terra cotta, may be built not exceeding

¹ Section 905, paragraph 2, amendment January 5, 1902.

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fourteen and sixteen feet in height, respectively, and in their horizontal measurements forty feet between cross walls, piers or buttresses, but such partitions shall not be used for bearing walls. All such partitions are to be solidly put together in lime or cement mortar, and carried upon proper beams or girders; when only one story in height they may rest upon wooden beams or girders; to have iron stiffeners.

Openings for
doors, etc.

Sec. 910. All openings for doors, windows and the like, all walls of masonry, shall have good and sufficient arches with sufficient abutments, or shall have lintels of stone or iron, of sufficient strength. All arches not having sufficient piers or abutments to resist the thrust of the arch when loaded shall have proper tie rods to prevent the arch from spreading the walls; low flat arches shall not be used unless over iron or stone lintels. All wooden lintels used in walls, where the opening will permit, shall have the upper side cambered and shall have two or more rows of rock arch over them. No wood or combustible materials shall be used in any stone or brick wall, except cambered lintels for arch forms.

Ends of
girders, etc.

Sec. 911. The ends of all girders, lintels, beams, trusses, posts or other supports shall rest on hard flat stone or iron plate, of sufficient size as will spread the weight over sufficient superficial surface that the stress upon the masonry or the earth shall not exceed the safe limit hereinafter mentioned and provided for in Table No. 5 and Section 879.

Walls of light
and elevator
shafts.

Sec. 912. The inclosing walls of light and elevator shafts shall in all cases be built entirely of incombustible materials. The use of hollow tile or terra cotta for walls of light or elevator shafts is permitted, but such inclosing walls shall be firmly anchored to the timber or iron framing of each floor. Where the walls of light or elevator shafts begin at any point above the

BUILDING REGULATIONS.

foundation of the building, their means of support shall consist entirely of fire-proof materials.

Sec. 913. Walls built of rubble stone work shall not have a less thickness than four inches thicker than shown in Tables Nos. 1, 2 and 3. Rubble stone work.

Walls built of dimension stone equal to Oolitic limestone, may be of the same thickness as shown in Tables Nos. 1, 2 and 3, when that thickness exceeds seventeen inches. Dimension stone.

Sec. 914. All stone walls twenty-four inches or less in thickness shall have at least one header extending through the wall in every five feet in length of the wall and every three feet in height; all walls over twenty-four inches in thickness shall have the same number of headers running into the wall two-thirds of the thickness of the wall, to be lapped with headers from the opposite side of the wall. All headers shall not be less than twelve inches in width, and not less than six inches in thickness; and all stone built into any wall shall be laid on the natural bed. Stone walls

Sec. 915. All piers, buttresses or pilasters that carry two-thirds of their safe load and are less than five feet on any side shall have cast-iron plates or bond stones every four feet in height, the bond stones shall be not less than six inches in thickness, and the full size of the pier buttress or pilaster; and all such piers, buttresses and pilasters shall be capped with a stone or iron cap. Piers, etc.

Sec. 916. No pier of masonry which carries one-half of its safe load shall exceed in height more than six times its least horizontal dimension, nor shall any such pier, buttress or pilaster be built in freezing weather. All brick laid in such members shall be push-placed, or grouted at each course.

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Chimneys or
flues.

Sec. 917. Chimneys or flues in all buildings over one story in height shall have the walls at least nine inches thick, unless lined their entire height with tile or cast-iron flue linings, in which case the walls outside of the linings may be reduced to four inches except as hereafter provided. Stone flues shall have walls not less than nine inches thick, in addition to the tile linings. The inner side of all flues not lined shall be plastered smooth from bottom to top. All brick laid in any flue shall be push-placed. All flues cut or placed in old work in buildings of Classes I, II and IV shall have the slot plastered from bottom to top, to be lined the full length with cast-iron or terra cotta flue linings, which are to be enclosed with brick work having angle iron at the corners, to be well bonded and anchored to the old work, with iron anchors every ten feet in height. No smoke flues to be less than 8x8 inches in size.

In buildings of Class III flues and chimneys may be built with four-inch inclosing walls, plastered on all external surface where same may come within two inches of any wood, and in no case shall any framing be less than two inches from the inclosing wall of such flues.

In no case shall any flues or chimneys be supported by wooden or frame construction.

Flues.

Sec. 918. No flue shall be corbelled from any wall more than one-half the thickness of the wall, nor shall any chimney or flue rest upon any wood construction.

No chimney shall be built nearer than six feet of any outer angle of any building, unless the outer wall of such flue is not less than thirteen inches in thickness.

No chimney shall be drawn to one side more than one-third of its size, unless supported on metal, or incombustible frame work, approved by the Commissioner of Buildings.

Sec. 919. No wood furring shall be placed against any flue or around any chimney or fireplace, nor shall any wood work

BUILDING REGULATIONS.

be placed within eight inches of any chimney or flue, except the base or waincoting outside of the plastering.

Sec. 920. Smoke flues with an area greater than 169 square inches and less than 500 square inches, shall have walls not less than nine inches thick, and the top of such flues shall extend at least five feet above the highest window opening of any building within fifty feet of such chimney.

Sec. 921. Smoke flues of a greater area than 500 square inches shall have hollow walls in which there shall not be less than sixteen inches of brick work and four inches of hollow space between the walls. The top of such flues shall extend to the height of not less than twenty feet above the highest window opening into any building within sixty feet of such chimney. From a distance of two feet below the smoke inlet to a distance of twenty feet above the same, chimneys having a greater area than 169 square inches shall be lined with fire brick laid in clay.

Sec. 922. No furnace, range, boiler or other heating apparatus Furnace, range or boiler. having a grate surface of more than 100 square inches shall be set in any building, or its location changed without a permit from the Commissioner of Buildings, and no such apparatus shall have the smoke pipe therefrom enter any flue having the walls less than nine inches thick.

Sec. 923. All unsafe or dangerous flues and chimneys must be made safe within three (3) days after notice from the Commissioner of Buildings, and not used until repaired.

Sec. 924. All flues in party walls must be located at least four inches from the center lines of said walls.

Flues cut into existing party walls must be kept at least four inches from the center lines of such walls and be lined with either cast-iron or tile flue linings their entire height, to be

BUILDING REGULATIONS.

cased with not less than nine inches of masonry well bonded and anchored into the old walls.

Chimney foundation and height.

Sec. 925. The foundations of chimneys, whether inside or outside of buildings, or whether connected with the same or isolated, shall be designed and built in conformity with the provisions relating to foundations of buildings herein given.

Sec. 926. All chimneys shall be built to a height of not less than four feet above the roof adjoining; if such roof is a flat roof, and not less than eighteen inches above the ridge, if the roof is a pitch roof, and the chimney is within twelve feet of the ridge.

All chimneys rising more than five times their least horizontal dimensions shall be securely braced with iron anchors; when the short sides of flues have nine-inch walls they may rise seven times their least side without bracing.

Smokestacks.

Sec. 927. No smokestack or chimney in connection with any laundry, factory, manufactory or other like establishment where power is used exceeding twenty-horse power, shall hereafter be erected of less height than twenty feet above all buildings within a radius of 300 feet unless with the written consent of the owners of such buildings, nor shall any steam boiler or boilers be set up or installed in any part of the inner or middle fire district of the city without the written consent of two-thirds of the property owners within a radius of 400 feet, except for running elevators, electric plants, heating or pumps, situated within the building where the boilers are located.

Fire place.

Sec. 928. No fireplace shall be built with less than a nine-inch brick wall at the back.

All fire-place breasts are to be built full dimensions up to the top of ceiling joists; no flue stem from any fire-place shall start below ceilings.

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Brick, tile or concrete trimmer arches shall be turned for all hearths.

All brick or tile trimmer arches shall not be less than four inches thick, started from proper skewbacks, to have the wood centering removed before plastering the ceiling underneath. Concrete filling to be used over all trimmer arches to level up for hearths.

Headers for hearths to be not less than twenty-four inches Hearths. wide.

The use of sand boxes under hearths is prohibited.

Brick hearths are prohibited.

Sec. 929. Metallic smoke pipes shall not be used inside of any Smoke pipes. building in such a manner as to pass through floors, wood partitions or roofs.

Sec. 930. Metallic smoke pipes shall be kept away from all wood work by at least the diameter of the pipe, and the wood work protected by a metal shield fixed at a distance of one-fourth the diameter of the pipe; such shields must extend on each side and be of a width equal to three times the diameter of the smoke pipe.

Sec. 931. No smoke pipe from any stove, range or heating apparatus shall be projected through any external wall of any building without the written approval of the Commissioner of Buildings.

Sec. 932. All receptacles for ashes shall be built on all sides, Receptacles for ashes. top and bottom of brick, stone or other incombustible materials, with walls not less than eight inches thick, with proper iron doors, the doors to be kept in repair and closed when not being used to empty sand pits. No receptacle for ashes shall ever be allowed to overflow or be so constructed that the ashes will be blown about by the wind. When ash cans are used they must

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have double bottoms with a space of at least two inches between the covers secured with iron hinges and the cans at all times be in proper repair, the lid to be closed when not being filled or emptied. No ashes or combustible material shall be kept in any building or place within the city in an insecure manner.

Cast-iron. Sec. 933. Cast-iron subject to crushing strain only, as in plates, may be loaded to the extent of 15,000 pounds per square inch when not less than one inch in thickness.

Compression strain on cast-iron shall not exceed 13,000 pounds per square inch.

Tensile strain on cast-iron shall not exceed 3,000 pounds per square inch.

Cast iron used for pillars shall be proportioned in accordance with the following formula:

iron columns.

FOR ROUND CAST-IRON COLUMNS.

$$S \text{ equals } 12,000 A, \text{ divided by } 1, + \frac{L^2}{600 D^2}$$

S equals safe load in pounds.

L equals length of column in inches.

A equals sectional area of column in square inches.

D equals diameter of column in inches.

For Rectangular Cast-Iron Columns:

$$S \text{ equals } \frac{12,000 A}{1 + \frac{L^2}{850 D^2}}$$

S equals safe load in pounds.

L equals length of column in inches.

A equals sectional area of the column in square inches.

D equals the least side of the rectangular column.

BUILDING REGULATIONS.

Sec. 934. The minimum thickness of metal in cast-iron Minimum thickness. columns shall not be less than three-fourths inch, and no cast-iron column shall exceed in height thirty times its least horizontal dimension.

All cast-iron columns shall have their ends turned true and at right angles with their axis. When such columns are used in tiers one above another their ends shall be bolted together.

Sec. 935. Cast-iron columns shall be thoroughly tested and Inspection. inspected before being placed in position, and if they are to support a wall more than thirty feet in height, or more than three stories, they shall be drilled into not less than two holes in the length, one on the upper surface, and one on the lower surface as cast; such columns if found to be less than five-eighths inch thick in any place shall not be used; the strength shall be computed from the least thickness as found by the test holes.

Sec. 936. All steel or wrought-iron work shall be so pro- Steel or wrought iron. portioned that the maximum fiber strain will not exceed 16,000 pounds for steel or 12,000 for wrought-iron, per square inch.

Sec. 937. Plate girders shall be designated and constructed of a strength at least equal to those developed by the following:

FORMULA FOR PLATE GIRDERS.

Max. bending moment equals foot lbs. Plate girders.
Flange area equals _____

CD

D equals distance between centers of gravity of flanges in feet.
C equals 12,500 for steel; 10,000 for iron.

Maximum shear.

Web area equals S _____

C

C equals 10,000 for steel; 8,000 for iron.

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Strain. Sec. 938. The maximum strain per square inch of rivet area (single shear) shall not exceed as required by Table No. 6.

TABLE NO. 6.

	Steel	Iron
	Lbs.	Lbs.
For shop-driven rivets	9,000	7,500
For field-driven rivets	7,500	6,000
Maximum shearing strain in webs	7,000	6,000
Direct bearing	15,000	15,000

Sec. 939. The maximum load allowed upon riveted columns shall not exceed those determined by the following formula:

For riveted or other forms of wrought-iron columns more than 90 R in length:

$$S \text{ equals } 10,600 - \frac{30L}{R}$$

S equals safe load in pounds per square inch.

L equals length of column in inches.

R equals least radius of gyration of column in inches.

For riveted forms of wrought-iron columns less than 90 R in length:

$$S \text{ equals } 8,000.$$

S equals safe load in pounds per square inch.

For riveted or other forms of steel columns more than 90 R in length:

$$S \text{ equals } 17,100 - \frac{57L}{R}$$

S equals safe load in pounds per square inch.

L equals length of column in inches.

R equals least radius of gyration of column in inches.

For riveted and other steel columns less than 90 R in length:

$$S \text{ equals } 12,000.$$

S equals safe load in pounds per square inch.

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Sec. 940. No wrought-iron or rolled steel columns shall have an unsupported length of more than forty times its least lateral dimensions or diameter, nor shall its metal be less than one-fourth inch in thickness.

Sec. 941. With regard to connection of all structural iron or steel work upon buildings erected in the City of Memphis, such work shall hereafter be in conformity with the practice of the Carnegie, Trenton, Phoenix, Pencoyd, Jones & McLaughlin or other first-class rolling mills, as published in their standard book and sheets, and approved by the Commissioner of Buildings.

Sec. 942. When wooden pillars are used the maximum load to which they are to be subjected shall never exceed those determined by the following formula, S representing the maximum load as intended to be fixed by this ordinance.

For wooden pillars where the length is not more than twelve times the least thickness:

$$S \text{ equals } \frac{AC}{4}$$

E equals safe load in pounds.

A equals sectional area of post in square inches.

C equals:

4,000 for long-leaved yellow pine.

3,200 for oak or short-leaved pine.

2,800 for white pine, spruce or cypress.

For wooden pillars where the length is more than twelve times the least side or thickness:

$$S \text{ equals } X - Y \frac{L}{B}$$

S equals safe load in pounds per square inch.

L equals length of post in inches.

BUILDING REGULATIONS.

B equals breadth or least side, or diameter of round post.

X equals 1000,

Y equals 10,

for long-leaf yellow pine.

X equals 800,

Y equals 8,

for oak or short-leafed pine.

X equals 700,

Y equals 7,

for white pine, spruce or cypress.

Wooden
columns.

Sec. 943. Wooden columns, supporting girders, when erected in tiers one above another, shall have steel or cast-iron caps and brackets, and the columns in the upper stories shall rest on the cap of the column below and never on the girder.

Sec. 944. The ultimate load to which timber used for girders, joists or beams may be subjected shall not exceed those determined by the following formula, to-wit:

$$S \text{ equals } \frac{CBD^2}{L}$$

S equals safe load in pounds.

B equals breadth of beam in inches.

D equals depth of beam in inches.

L equals length of beam in feet.

C equals:

200 for long-leaf pine.

160 for oak and short-leafed pine.

140 for white pine and cypress.

Load on
girders.

Sec. 945. The contents given in all the foregoing formulæ are based on the use of materials and workmanship of the best of their respective kinds and all timber thoroughly seasoned.

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Sec. 946. All formulæ herein given for determining the load permitted upon girders of any kind are for girders supported at each end and uniformly loaded over their entire length. The formulæ for column loads are for columns concentrically loaded.

Sec. 947. The calculations for the allowance which must be made for other forms of loading shall be based upon the above formulæ and constants and the rules of the best engineering practice; subject to the approval of the Commissioner of Buildings.

Sec. 948. For the purpose of computing the weight upon floors, walls, piers, columns and other supports the following shall be taken as the weight of materials, viz:

Computing
weight on
floors, walls,
etc.

TABLE NO. 7.

Lumber, per foot, board measure, dry.....	3 lbs.
Lumber, per foot, board measure, green	6 lbs.
Loam, clay, sand, green plaster, etc., per cubic foot	120 lbs.
Brick work, common, soft, per cubic foot	120 lbs.
Brick work, common, hard, per cubic foot	130 lbs.
Terra cotta in mortar, per cubic foot	100 lbs.
Stone work, per cubic foot	160 lbs.
Granite, marble, per cubic foot	180 lbs.
Slating per square 100 feet	600 lbs.
Lath and plaster one side, per square foot	10 lbs.
Four-ply felt and gravel roof	15 lbs.

All other materials as given in best engineering works.

Sec. 949. The floors of all buildings shall be constructed in such a manner as to be capable of bearing in all parts in addition to the weight of the partitions, permanent fixtures and mechanism that may be set upon them, and in addition to the weight of the material of which such floors are constructed, a live load for every square foot of floor surface as follows:

Floors.

BUILDING REGULATIONS.

TABLE NO. 8.

Dwellings, tenements and flats	40 lbs.
Hotels, lodging houses, schools with fixed desks	50 lbs.
Office buildings (except the halls, corridors and lobbies) ..	70 lbs.
Churches, theaters, halls with fixed seats	100 lbs.
Dancing rooms, corridors and all public lobbies	120 lbs.
Drill rooms	150 lbs.

Floors of warehouses and factories and storehouses shall be proportioned to the load they are intended to carry, *provided* that all floors shall be constructed to support not less than 150 pounds for every square foot of floor space area.

Stress on
posts, etc.

Sec. 950. Every column post, pier footing and other vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor and roof depending upon it for support, in addition to the weight required above; *provided* that in determining the stress on posts, columns, piers and footings in buildings of more than three stories in height, that are used for dwellings, lodging or offices, the live load may be reduced on the floor next to the top 5 per cent., in the next lower 10 per cent., in the next lower 15 per cent., in the next lower 20 per cent., and so on to and including the second floor, but the full load of the first floor shall be included in computing the weights in supports below said first floor.

Walls re-
quired for
brick, stone or
iron buildings.

Sec. 951. Every brick, stone or iron building hereafter erected more than twenty-five feet in width, except dwellings not exceeding three stories in height, and tenement houses not exceeding two stories in height, shall have brick or stone partition walls, or girders, supported on columns so located that the distance between and two partition walls or girders, or between said walls and girders and the external walls, shall not exceed twenty-four feet; and where wooden columns or girders are used the sectional area of such posts shall not be

BUILDING REGULATIONS.

less than 8x8 and for girders 8x10 inches, and the columns shall be spaced to conform with the formula herein contained.

Sec. 952. It shall be the duty of the owner of every building of Class I, already constructed, or hereafter to be constructed, or the occupant or agent of the same, to affix and display conspicuously on each floor of such buildings a placard, to be prepared by a competent architect, showing the load per square foot of the floor surface which may with safety be applied to that particular floor, or the strength of the different parts of the same floor, where such strength varies. It shall be unlawful to load any such floor, or any part thereof, to a greater extent than the load indicated on such placards. It shall be the duty of the occupant of the building to maintain such placards during their occupancy of the premises and the owners shall see such placards properly affixed, with such change of occupants. These placards shall be verified and approved by the Commissioner of Buildings before they are affixed upon the several floors, and they shall be recalculated, verified and approved every five years. The Commissioner of Buildings may require the owner, agent or occupant of any buildings to redistribute the load upon any floor or to lighten the same when he shall deem the same necessary.

Sec. 953. All buildings of ordinary construction when more than two stories in height shall have under floors in each story not less than seven-eighths inches in thickness, which shall be laid immediately after the joists are set and bridged, and within the inner fire district at least one thickness of asbestos or other incombustible material shall be laid between the under and finished floor.

Sec. 954. In buildings of Class III, all wooden beams or joists entering a wall of masonry shall have a proper bearing and have the ends cut on a slope of about three inches in the width or

Placard of
load per
square inch.

Under floors.

Wooden
beams.

BUILDING REGULATIONS.

depth, and the ends of all such timbers shall be separated by not less than four inches of masonry from the beams or joist entering from the other side.

Openings
through
floors.

Sec. 955. The openings through or upon any floor of any building used for stairs, hoist, elevators or light shall be protected with proper railings not less than three feet in height. All elevator openings shall have proper automatic rails, gates, trap doors or such other devices as will be equivalent thereto.

Floor beams
anchored—
how.

Sec. 956. Each tier of floor beams shall be anchored to the side, front, rear, party and division walls at intervals of not to exceed eight feet, with wrought iron anchors not less in size than by one-quarter inch and well secured to the wall and to the timbers; in all walls less than thirteen inches in thickness (except in Class III), the anchors shall go through the wall and have plates on the outer side. The ends of all joists meeting on a girder shall be anchored together in such a manner as to form a continuous tie across the building. The ends of all girders and partition caps shall be anchored together in such a manner as to form a continuous tie and be well anchored to the walls at each end.

Where steel joists or hangers are used the iron joist anchors may be omitted.

Sec. 957. All wooden beams shall be trimmed away from the flues, whether the same be a smoke, air or any other flue, the trimmer to be at least eight inches from the inside face of a flue, and the header two inches from the outside face wall.

Wooden
headers.

Wooden headers and trimmers are to be of such size and strength and are to be so framed or hung in wrought-iron stirrups or steel joist hangers as to fully carry the loads dependent on same, according to the floor loads elsewhere specified in this ordinance.

Manufacturing
buildings.

In business, manufacturing and public buildings, all joists

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carried by headers or trimmers, and all headers are to be hung in joist hangers, so as not to weaken the carrying capacity of the same.

All wooden floor or roof joist, except in mill construction, shall be properly bridged and the distance between bridging or between bridging and walls shall not be more than eight feet.

No piping or conduit of any kind shall be cut down into any floor timbers at a greater distance than two feet from the ends of said beams, nor to a greater depth than one-sixth of the depth of the beam.

Sec. 958. Within the inner and middle fire districts all stud partitions shall have caps and sill plates not less than four inches thick, by the full width of the studding; no studding shall pass from one story to the next without a solid cap at or near the floor joist. When stud partitions rest on girders or the caps of other partitions, the space between the joist to ten inches above the floor shall be filled in with brick, tile, terra cotta or other incombustible materials, unless there be no ceiling under the joist. In buildings over two stories in height all partitions that support floors shall have the plate of such partition resting on a sheet of metal not less than eighteen inches wide by the full length of the partition on each and every story. (In addition to the asbestos hereinbefore mentioned between all double floors). Walls that support floor joist shall be carried to the top of the floor joist and finished smooth with the underside of the floor boards; upon all girders that carry floor joist there shall be a fire-stop built to the top of the joist, and when a partition starts off the girder the fire-stop shall be carried ten inches above the joist.

Sec. 959. All brick or stone buildings over one story in height having furring on the walls shall have the space between the furring from four inches below the joist to twelve inches

BUILDING REGULATIONS.

above the same filled with masonry, tile, brick, cement, mortar or like substance. No wood furring shall be used in buildings required to be slow-burning, mill or fire-proof construction.

Wall plastered
back of
wainscoting.

Sec. 960. Wall to Be Plastered Back of Wood Wainscoting—When wood wainscoting or base is used in any building hereafter erected, the surface of the wall or partition behind such wainscoting or base shall be plastered down to the floor line unless such wainscoting is placed against a brick, stone or tile wall or partition. No wood sheathing shall be permitted [except wainscoting as herein provided, on any wall or ceiling in the inner fire district.]¹ Such ceilings shall, if covered in, be plastered or covered with some incombustible material. This shall not prohibit boxed beams when put up against plaster.

Roofs.

Sec. 961. The roofs of all buildings hereafter erected in the inner and middle fire district shall be covered with tin, tile, slate or some other incombustible material, approved by the Commissioner of Buildings.

Flat roofs.

Sec. 962. All new or renewed flat roofs shall be constructed to bear safely a weight of forty pounds to the square foot, in addition to the weight of the material composing such roof, and all roofs rising at a greater angle than twenty degrees shall be constructed to carry a dead load of twenty pounds in addition to its own weight, and to resist a wind pressure of thirty pounds per square foot of surface.

Roofs to be
kept in
repair.

Sec. 963. The roofs of all buildings shall be kept in good repair and all water drained therefrom so as not to flow upon or against any wall, along or against any foundation of any building, or upon the property of other than the owner of the building.

¹ In brackets amendment April 22, 1903.

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The water from conductor pipes shall not be discharged into any street or alley at a point higher than six inches above the surface, nor shall such drainage be permitted to flow against any adjoining wall into any areaway or upon any private property other than the owner of the building from which the water is conducted.

Water from
conductor
pipes.

Sec. 964. All buildings over two stories in height shall have scuttles or bulkheads leading to the roof, with proper ladders or stairs leading thereto, from the floor below; the lid of any scuttle or door of any bulkhead shall not be fastened in such a manner that it cannot be readily opened from the inner side without the use of any key, nor shall the approaches thereto be fastened with other than a movable bolt on the inner side. In buildings over four stories in height the ladder or stairs shall be of iron and secured permanently in place at all times.

Scuttles or
bulkheads
leading to the
roof.

Sec. 965. Pent houses used as inclosures for tanks and elevators and coverings for the machinery of elevators, and any other purpose whatever, hereafter erected on or above the roofs of buildings, shall be built of fire-proof materials or sheathed and covered on all sides with metal, including sides and edges of doors. Covers on top of water tanks placed on roofs may be made of wood covered with sheet metal. Where party or division walls form one or more sides of pent houses, such walls shall be carried up as fire walls above the roof of the pent house.

Pent houses
as inclosures
for tanks, etc.

Water tanks erected over roofs of buildings shall be supported on brick bearing walls or on metal beams or posts.

Water tanks.

Sec. 966. All skylights in the inner fire district shall be constructed wholly of incombustible materials, and glazed with glass not less than double strength. Skylights located at the foot of light courts or light walls shall be made either of prismatic lights in iron frame, or glass not less than one-quarter

Skylights.

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inch thick, set in metallic frames, and where the latter are used the glass shall be protected from falling bodies by a wire netting placed not less than six inches above the glass and rigidly supported on iron stanchions, such netting to be made of wire not less in size than No. 8, and mesh not coarser than $1\frac{1}{2} \times 1\frac{1}{2}$ inches. Skylights over the floors to which the public have free access shall have a wire netting as above, securely fastened in a horizontal position underneath, or such skylight may be glazed with wire-bound glass.

Snow guards. Sec. 967. All roofs, so constructed and located that the snow which lodged upon the same might slide from said roofs into any public place, shall have suitable snow guards to prevent the snow from slipping. All snow found to be lodged upon any cornice, gutter or other part of a building which might slide therefrom into any public place shall be at once removed by the owner or occupant of any such building.

Stairs. Sec. 968. All stairs to be constructed to support a live load of not less than 150 pounds per square foot and the supports at the foot of same to safely carry at least two-thirds of the total of this load.

Stairs in hotels, etc. Sec. 969. In all buildings used as hotels, tenements, lodging or rooming houses, the halls, stairs, passageways and exits shall be arranged to facilitate egress in case of fire or accident, and all such buildings having more than twenty-five rooms above the first floor shall have at least two independent stairways connected with the ground floor, each stairway not less than four feet wide, and at opposite ends or opposite sides of the building. All doors at the foot of such stairways shall open outward and never be fastened, but with a movable bar or bolt readily drawn from the inner side, without the use of any key or combination whatever. At the top and foot of all such stairs there shall be kept burning a red light from 9 p.m. to 6 a.m. of each day.

BUILDING REGULATIONS.

Sec. 970. In all buildings of Class I, which are used as work-shops, or which are used as salesrooms, where there is an occupation of the same at any one time by 100 or more persons employed or engaged therein, there shall be at least two staircases, each not less than three feet in width. If the number of persons so employed exceeds 300 then the width of the stairs shall be not less than five feet; if the number of persons so occupying any such premises exceed 800 there shall be not less than three stairways not less than five feet in width. If the number of persons exceed 1,200 such buildings shall be governed as regards the number and size of stairways by the regulations laid down for buildings of Class IV.

Staircases in workshops.

In all cases the stairways shall be located at as great a distance from each other as practicable, and the number of persons above any floor shall be counted as being on that floor as well as being counted on the floors above; *provided*, that in fire-proof buildings one less flight of stairs than above called for may be used. All stairs over five feet wide shall have railings on both sides.

Sec. 971. The aggregate width of doors opening at the street level in buildings of Class I shall be equal to the aggregate width of stairs, and in no case shall the doors leading to any means of exit be locked, or the exits in any way obstructed during the occupation of any such building.

Width of doors.

Sec. 972. Every building now built or hereafter to be built, occupied by two or more families above the second floor, and every building more than two stories in height, except as are occupied solely by one family, shall be provided with one or more safe external means of escape in case of fire or accident, in addition to the stairways hereinbefore provided. Said fire escape shall consist of iron balconies at or near the level of each floor, with iron stairs connecting each balcony from the roof down within twelve feet of the ground; said stairs shall

Fire escapes.

BUILDING REGULATIONS.

not be steeper than seventy degrees, and shall be provided with outer railings of iron, the balconies to have iron railings all around not less than three feet in height. Fire escapes shall be located as far from the stairs as practicable, and may project over the public streets at any point above the first story. The brackets for the support of the fire escapes shall in all cases be bolted through the walls and be of sufficient strength to sustain a weight of 200 pounds per square foot of surface or balcony. The floors of all such balconies shall be slats of iron on edge. The balconies and stairs shall at all times be kept in good repair and well painted. The connections from the building to the platforms of fire escapes shall be from the halls and corridors, and never through any private room; when necessary to be through a room the room shall be directly connected to the corridor, and the door connecting said room to the corridor removed. The balconies, stairs and all approaches thereto shall never be encumbered; doors connecting onto the platforms and balconies of fire escapes shall never be locked save with a movable bolt readily drawn from the inner side. The number and size of fire escapes to be regulated by the number of persons liable to use them; not more than fifty persons shall be required to use any one fire escape; the number, size and location of all fire escapes to be determined by the Commissioner of Buildings.

Stand pipes
in buildings.

Sec. 973. Every building over three stories in height, except those occupied solely by one family, shall have one or more metallic stand pipes not less than $2\frac{1}{2}$ inches in internal diameter, extending from above the roof and arranged so that engine hose can be readily connected from the street or alley; such stand pipe shall have proper valves and hose couplings at each floor above the first floor, and all hose couplings shall conform to the size and pattern used by the Memphis Fire Department.

BUILDING REGULATIONS.

Sec. 974. All buildings more than three stories in height, and all two-story buildings used as a school, factory, manufactory, hotel, lodging house, hospital, asylum, office building, assembly room for more than fifty persons, or institution for the care or treatment of individuals, shall be provided with one or more internal standpipes connected with the city water mains and carried to the upper floor of the building, located in the most accessible locality, and at all times in good repair, ready for instant use, provided with not less than fifty feet of hose on each floor. All interior standpipes shall have the city pressure upon them at all times when the building is occupied by the public, and they shall be inspected and tested at least once each year by the Fire Department.

Sec. 975. Every elevator shall be provided with some safe and sufficient arrangement or device to prevent the falling of the car in case of accident.

Sec. 976. Every elevator shall be provided with proper automatic stops to bring the car to a stop without a jar or jolt, at the top and bottom, independent of the operator.

Sec. 977. The landings of all passenger elevators shall be protected by having the under side of the trimmer or beam at the door opening slope away from the cab door, the incline to be about three inches in twelve inches of rise.

Sec. 978. Immediately beneath the machinery of all passenger elevators there shall be an iron network of such construction as will protect passengers from any parts that might become detached; the construction and support of the same to be approved by the Commissioner of Buildings.

Sec. 979. When the cab of any passenger elevator shall have more than one entrance or exit, all such entrances or exits, except the one immediately in front of the operator, shall be closed

BUILDING REGULATIONS.

with sliding doors inside the cab, such doors to be the full height, and shall be closed before starting the cab, and no door shall be opened before the cab has come to a full stop. Opening and closing doors of elevators while the cab is in motion shall be unlawful, and shall subject the operators to the penalties of this ordinance.

Sec. 980. All elevators shall have at least one slack cable as a safety against the breaking of the lifting cables. When any of the cables of an elevator show 10 per cent. of the wires composing such cables to be stranded, then such cables shall be replaced with new ones. The Commissioner of Buildings may cause repairs to be made upon any elevator, or he may close any elevator deemed to be unsafe, and prevent the use of the same until repairs are made and the same placed in charge of a proper pilot.

Freight
elevators.

Sec. 981. Freight elevators shall not be used to carry passengers, unless the platforms are inclosed all around to the height of not less than five feet except the opening in front of the operator.

Walls inclos-
ing elevators.

Sec. 982. All walls inclosing elevator shafts shall be constructed entirely of incombustible material, and no part of any such inclosing walls shall be supported, in whole or in part, upon wooden construction. All such inclosing walls shall project not less than three feet above the roof timbers. The roof over all elevator shafts shall be fireproof and at least three-quarters of the area of covering shall be glass set in iron frames. All doors opening into an elevator inclosure or light shaft shall be iron or solid wood, metal covered, the same to be self-closing and closed when not in use for entrance or exit. All elevators running through the well holes of stairs shall, together with the stairs, be constructed of fireproof materials, except the floor of the cab.

BUILDING REGULATIONS.

Sec. 983. The Commissioner of Buildings shall visit and inspect every elevator running in the city once each year, and shall keep a record of all inspections and any or all orders concerning the same. No elevator shall be used in any building until after it has been inspected and a certificate of approval issued from the Commissioner of Buildings; a certificate from any responsible insurance company may be accepted by the Commissioner of Buildings.

Sec. 984. Whoever, without a permit from the Commissioner of Buildings, obstructs a street by placing a building therein, or moves a building through or upon a street, and whoever aids and assists in so obstructing a street or moving a building, shall be liable to a penalty of not less than \$10 nor more than \$300, and to a like penalty for every twelve hours that such obstruction may continue, or that such building may remain in or upon a street.

Sec. 985. All applications for moving buildings through the streets of the city shall be made to the Commissioner of Buildings.

Sec. 986. Every such application shall state the location of the building proposed to be moved, its length, width, height and the principal material of its exterior sides and of its roof; and shall definitely describe the route over which it is to be moved and the length of time that will be required to move it.

Sec. 987. Every such application shall be accompanied by the written consent of the Commissioner of Buildings, to the placing of the building on the lot proposed.

Sec. 988. No person except a licensed housemover, except as herein provided¹ shall remove, raise, shore up or hold up brick

¹ The words "except as herein provided," in Section 988, amendment of April 22, 1903.

BUILDING REGULATIONS.

fronts of any building within the corporate limits of the City of Memphis, and every person shall annually, before engaging in said occupation, obtain a license therefor from the Commissioner of Buildings, and no such license shall be granted until the party applying therefor shall have given bond to the City of Memphis in the sum of \$1,000, with good and sufficient security to be approved by the Mayor, conditioned, among other things, that said party will pay any and all damages which may be caused to any property, public or private, within the City of Memphis, when such injury or damage shall be inflicted by said party or his agent, servant, employes, workmen, contractors or subcontractors, and such bond shall be conditioned also that said party will save, indemnify and protect the City of Memphis from all liabilities, judgments, costs and expenses, which may in any wise accrue against said city in consequence of the granting of such permit or license; and he will in all respects comply with the ordinance of this city in regard to the removal of buildings.

Bond.

Upon the execution of said bond and its acceptance by the Mayor, a license shall be issued, and the said licensed person shall, in each and every instance, before removing any buildings, obtain a permit to do so from the Commissioner of Buildings, and shall pay said Commissioner a fee of \$5, whereupon said Commissioner shall issue a permit, stating specifically all the conditions, describing the route to be taken and limiting the time for removal. The fee for a permit to remove a building from one part of a lot to another part of the same lot, or from one lot to another, when the same is owned by the same person, and where said building or buildings are to be removed without crossing any street or alley, the property of any person or persons, other than the owner of the lot from which the building is to be removed, shall be \$1.

Contractors
not required
to give bond—
when.

[Contractors and subcontractors may do such of this work as may come within the ordinary pursuits of their occupation, with-

BUILDING REGULATIONS.

out further bonds, and need not take out license, unless they wish to use streets or alleys for such work. The execution of this work to be subject to all other conditions of this section.]²

Sec. 989. It shall be the further duty of every person or persons obtaining such license, before using streets or alleys,³ to keep and maintain with the City Treasurer a sum of money not less than \$50, which sum, or so much thereof as may be necessary, shall be used under the direction of the Commissioner of Buildings in repairing any injury done to any street, alley or sidewalk, provided that such defective street, alley or sidewalk is not made good by said housemover within twenty-four hours after being notified by the Commissioner of Buildings, and no permit shall be issued to such housemover until the deposit of said \$50 is made good.

Sec. 990. No shade trees shall be removed or the branches thereof cut or trimmed in order to facilitate the moving of a building, except by the written consent of the Commissioner of Buildings. No fire alarm, telegraph, telephone, electric light or power wire shall be cut for said purpose, except by the written consent of the Chief of the Fire Department, and no street lamp or lamp post shall be removed for said purpose except by the written consent of the Commissioner of Buildings, and only competent linemen shall be permitted to cut any wire unless upon application to the company, firm or person whose wires are to be cut, said company, firm or person shall neglect or refuse to furnish such linemen to the housemover at his expense and for a regular lineman's wages during the time such services shall be required by such housemover. And cash sufficient, in the judgment of the Commissioner of Buildings, to

No shade trees may be cut to move house.

No fire alarm or telephone wires cut without permit.

² In brackets passed April 22, 1903.

³ The words "before using streets or alleys," in Section 989, passed April 22, 1903.

BUILDING REGULATIONS.

cover such lineman's wages shall be deposited for that purpose with the Commissioner of Buildings before any houses shall be moved.

Theater
buildings.

Sec. 991. Every public building hereafter erected, and every building intended for theatrical or operatic purposes, or public entertainments of any kind, where stage scenery and apparatus are employed, or hereafter erected, shall be made to comply with the requirements of this ordinance. No building which, at the time of the passage of this ordinance, is not in actual use for theatrical or operatic purposes, and no building hereafter erected not in conformity with the requirements of this ordinance, shall be used for theatrical or operatic purposes, or for public entertainments of any kind where stage scenery or apparatus are employed, until the same shall have been made to so comply, and no building hereinbefore described shall be opened to the public for such purposes until the Commissioner of Buildings shall have approved the same in writing as conforming to the requirements of this ordinance.

Outside walls
of buildings of
Class IV.

Sec. 992. The outside walls of all buildings of Class IV, on which the roofs or ceilings are carried on trusses or girders of a span of fifty feet or more, shall be as follows:

If the walls are less than 25 feet high, they are not to be less than 17 inches thick.

If more than 25 feet high, and not more than 50 feet, they are to be 21 inches thick for the first 25 feet, and 17 inches thick for the remainder of the height.

If more than 50 feet high, and not more than 75 feet high, they shall be 25 inches thick for the first 25 feet in height, 21 inches thick for the second 25 feet, and 17 inches for the remainder of the height.

For any increase in height over 75 feet thick, thickness of walls shall be increased in the above ratio.

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The heights of the walls shall be measured from the ground floor of the main auditorium at its lowest point.

An increase of four inches in the thickness of walls shall be made in all cases where walls are over 100 feet long without cross walls of equal height.

For rooms less than 40 feet wide the thickness of walls before given may be reduced by four inches.

Sec. 993. In case there shall be one or more stories built above the room devoted to the uses of Class IV, such stories being carried on trusses or girders, the thickness of walls shall be increased by four inches for each two stories or part thereof, above every such room.

If solid masonry buttresses are employed and placed sixteen feet or less on centers, and extended to the foot of the trusses or girders carrying the ceiling and roof, or if iron or steel pillars are inserted in such walls for the support of the superstructure, and at distances not more than eighteen feet between centers, such pillars extending to any carrying the superimposed trusses or girders, the thickness of such walls may be reduced in proportion to the increase of strength afforded by such buttresses or pillars, but in no case shall any such wall be less than twelve inches thick in the top story, four inches being added, going downward for each twenty-five feet in height of wall.

Solid masonry buttresses.

If iron or steel pillars are introduced in said walls, the brick around the same shall be bonded into that of the connecting walls, and each of such pillars shall have no less than eight inches of solid brick work around it, the brick being measured from the extreme outer dimensions of such iron or steel pillars.

Sec. 994. If a Class IV building is of a skeleton construction, and the steel framework carries the entire superimposed load of floors, roof and walls, then the inclosing walls shall consist of twelve inches of solid masonry, with two inches of hollow

Skeleton construction Class IV.

BUILDING REGULATIONS.

tile or four inches of hollow brick, on the inside, properly bonded together; and the other fireproofing shall be as required for buildings of Class I.

To front on
public
highway.

Sec. 995. Every building of Class IV (b) shall have at least one front on a public highway or street, and in such front or fronts, there shall be means of entrance and exit. In addition to the aforesaid entrances and exits on the public street, there shall be reserved for service in case of emergency an open court or space, open to the sky, on the side not bordering on the street, where such building is located on a corner lot, and on both sides of said building where there is but one frontage on the street. The width of such open court or courts shall not be less than eight feet, and said open court or courts shall begin on a line with or near the proscenium wall, and shall extend the length of the auditorium proper, to or near the wall separating the same from the lobby, foyer or vestibule. A separate and distinct corridor shall be built to the street from each open court, with continuous walls, floors and ceilings of brick or other fireproof materials, the entire length of said corridor or corridors.

Corridors.

Said corridor or corridors shall not be reduced in width more than three feet less than the width of the open court or courts, and there shall be no projection into the same; the outer openings to be provided with doors or gates opening toward the street. During the time such buildings are occupied by the public the doors or gates in the corridors and all approaches thereto shall be kept open by proper fastenings, such as may be readily drawn from the inner sides; at other times they may be closed and locked. The said open court or courts shall not be used for storage purposes or for any other purposes whatsoever, except for exit and entrance from and to the auditorium and stage, and must be kept free and clear during performances. The level of said corridors at the front entrance of the building shall not be greater than one step of eight inches above the level

BUILDING REGULATIONS.

of the sidewalk where they begin at the street entrance, and there shall not be more than one step of eight inches from the floor of the open court to the ground floor of the auditorium.

Sec. 996. To overcome any difference of level existing between exits from the ground floor of the auditorium into courts and the level of the street, gradients may be used in the corridors and courts of not over one foot in ten feet with no perpendicular rises. From the auditorium opening into said courts, or on the side street where the building is placed on corner lot, there shall not be less than two exits on each side from the ground floor auditorium balcony, and each and every balcony and gallery. Their exit shall be at least five feet wide in the clear, and provided with doors of iron or wood; if of wood the doors shall be constructed according to underwriters' rules. All of said doors shall open outwardly and be fastened only with movable bolts, the bolts to be kept drawn during performances.

Gradients may be used in corridors.

Sec. 997. There shall be balconies not less than four feet in width each side of the auditorium, of sufficient length to embrace the exits, and from all balconies there shall be staircases extending to the ground level, with a rise of not over nine inches, and a step of not less than nine inches tread, exclusive of the nosing. The stairs from the upper balcony to the next below shall not be less than three feet in width in the clear, and from the first balcony to the ground floor four feet wide in the clear. All the beforementioned balconies and staircases shall be constructed of iron throughout, including floors, and of ample strength to sustain the load to be carried by them. Where one side of the building borders upon a street the lower balcony shall be about twelve feet above the sidewalk, and may have sliding or drop ladders to reach the walk from the lowest balcony.

Balconies, staircases.

BUILDING REGULATIONS.

Floor levels
Class IV.

Sec. 998. The following limitations of floor levels in buildings of Class IV (b) shall be observed in all cases of new construction or material reconstruction, alteration or improvement of existing buildings. The ground floor of auditorium in buildings of Class IV (b), where it connects with the lobby or foyer, shall not be at a greater height above or depth below the street level than a gradient from the street vestibule of one foot in ten; said street vestibule to be not more than one step above or below the grade of sidewalk at the central entrance point. The only exception to the foregoing shall be the case of rooms of Class IV (b), containing less than 500 seats, which, in fireproof buildings, may be located in any floor thereof, but in such cases there shall be at least two flights of stairs from the floor in which such auditorium is located, to the ground, and the width of such stairs shall not be less than four feet in the clear for each.

Seats in
Class IV.

Sec. 999. In buildings of Class IV (a) no auditorium containing more than 1,000 seats shall have the highest part of its main floor more than eight feet above the adjacent sidewalk grade. No room of Class IV (a) containing more than 500 seats shall be at a greater distance than thirty feet above the sidewalk. No room of Class IV (a) containing more than 200 seats shall be at a higher level above the sidewalk than forty-five feet. Exceptions to the foregoing are to be made in the case of rooms containing less than 500 seats, which may be located in any part of a fireproof building; *provided, however*, that there shall be stairs, as required in Sec. 1000.

Stairs in
Class IV.

Sec. 1000. Stairs in buildings of Class IV (a) and IV (b) shall be in width equivalent to eighteen inches for every 100 seats or fraction thereof, but no stairway in such building shall be less than four feet in width in the clear. All stairways shall have railings on each side thereof. No stairways shall ascend

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to a greater height than eleven feet without a level landing, which, if its width is in the direction of the run of the stairs, shall not be less than three feet, or which, if at a turn of the stairs, shall not be less in width than the width of the stairs.

Exits.

Sec. 1001. Distinct and separate places of exit and entrance shall be provided for each gallery above the first. A common place of exit and entrance may serve for the main floor of auditorium and first balcony, provided its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery, as required by Sec. 1003.

Seats secured to floors.

All rooms accommodating more than 500 persons shall have all seats, not in private boxes, firmly secured to the floor.

Aisles in Class IV.

Sec. 1002. Aisles in buildings of Class IV (a) and IV (b) shall be equal to eighteen inches for every 100 seats, or fractional part thereof, the occupants of which will be required to use said aisles, but no aisles are to be less than two feet three inches wide in the narrowest part, and increasing in width toward the exits. Steps are permitted in aisles only as extending from back to back of seats, and where the rise from back to back of seats is less than six inches. The floor of the aisle shall be made an inclined plane, and where steps occur in outside aisles or corridors they shall be grouped together, and there shall be a lamp at or near every place where there are steps in inclosed aisles or corridors. All aisles and passageways in said buildings shall be kept free from camp stools, sofas, chairs and other obstructions, and no person shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball or any public assembly, nor shall there be any camp stools, chairs, sofas or any such things in any such aisles or corridors at such times.

Commissioner to enter buildings.

The Commissioner of Buildings, or any of his assistants, shall have the right to enter any such buildings at any time during

BUILDING REGULATIONS.

any performance, service, exhibition, lecture, concert, ball or any public assemblage, to enforce this ordinance.

Width of corridors, etc.

Sec. 1003. In buildings of Class IV the width of corridors, passages, hallways and doors shall be computed in the same manner as that herein provided for stairways and aisles, excepting that no corridor shall be anywhere less than five feet in width, and no door less than three feet in width, and all doors shall open outward.

Commissioner to inspect and measure exits, etc.

Sec. 1004. It shall be the duty of the Commissioner of Buildings to inspect and measure the exits of all buildings in Class IV (a) and IV (b), including all theaters, concert halls, assembly rooms, lecture halls, schools, churches, dance halls and lodge rooms, and to compute the number of persons said rooms, halls or buildings will safely seat or accommodate, not to exceed 100 persons—fractional parts of 100 being counted as a full 100—for each eighteen inches in width for each stairway, door or exit; and when the said number has been determined by said Commissioner of Buildings he may cause a notice or notices, stating the maximum number to be admitted in said room, hall or building to be posted in a conspicuous place near the entrance to said room, hall or building; and it shall be unlawful for the owner, agent, manager or trustee, or person or persons in charge or having control of such rooms, halls or buildings, to admit a larger number of persons to such rooms or buildings.

Brick wall in Class IV.

Sec. 1005. In all buildings of Class IV (b) there shall be a solid brick wall not less than seventeen inches thick, between the auditorium and the stage, and in non-fireproof buildings this wall shall not be less than twenty-one inches thick, and shall extend to a height of six feet above the roof. The main curtain, opening shall have an iron or asbestos curtain, and all other openings in this wall shall have fireproof doors.

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Sec. 1006. The framing of the floor of the stage in buildings of Class IV (b), containing seats for more than 500 people, shall be of iron or steel; the stage floor may be of wood, but shall be not less than three and three-quarters inches thick. The entire floor construction and floors of fly galleries and rigging lofts and supports, and all sheaves and pulleys and their supports, shall be made of iron or steel. All woodwork, including both sides of the floor boards, and all scenery used on or about the stage, shall be coated with fireproof paint, the fire resisting qualities of which shall be tested and approved by the Commissioner of Buildings.

Framing of floor to be of iron or steel.

Sec. 1007. Structures of any kind and for any purpose whatever erected above the ceiling of any auditorium containing 500 or more seats, shall be entirely of fireproof construction.

To be fire-proof.

Sec. 1008. There shall be over the stage of every building of Class IV (b) flues or ducts extending at least ten feet above the highest point of the roof, which flues or ducts shall have an area of at least one-thirtieth of the total area of the stage. The dampers for opening or closing these ducts shall be controlled from a point near the proscenium arch; these dampers shall be made of sheet metal on iron frames, and be not nearer than eight inches of any woodwork or other combustible materials.

Flues or Ducts.

Sec. 1009. It shall be the duty of the owners, agents, lessees and occupants of buildings of Class IV (b) to provide such fire-extinguishing apparatus at such points about the buildings as the Commissioner of Buildings shall direct, and all stand-pipes, gas pipes, electric wires, hose, footlights and all apparatus for guarding against fire or for extinguishing the same shall, at all times, be kept in condition satisfactory to and under the control of the Commissioner of Buildings.

Fire extinguishers.

BUILDING REGULATIONS.

To be properly
lighted.

Sec. 1010. Every portion of any building of Class IV devoted to the use or accommodation of the public, also all outlets leading to the street, open courts and corridors, shall be properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises.

Electric lights
at exits.

Buildings of Class IV (b) shall be at night illuminated entirely by electric lights, and shall have at each exit and at the head and foot of each stairway a metal bracket and a candle or sperm oil lamp kept burning during the entire duration of any performance. Similar provisions shall apply to buildings of Class IV (a) seating more than 1,000 persons.

Not to insert
gas or electric
lights in walls.

Sec. 1011. In buildings in Class IV no gas or electric light shall be inserted in the walls, woodwork, ceiling or in any part of the building unless protected by fireproof materials. All lights in passages and corridors of said buildings, and wherever deemed necessary by the Commissioner of Buildings shall be protected by proper wire network. The footlights, in addition to the wire network, shall be protected by a strong wire guard, not less than two feet distant from footlights, and the trough containing such footlights shall be fireproof. All ducts for conducting heated air from the main chandelier, or from any other light or lights, shall be constructed of metal and made double with an air space between, and shall not come in contact with any wood-

Stage lights.

work. All stage lights, if of gas, shall have strong wire guards or screens, not less than ten inches in diameter, so constructed that any material contact therewith shall be out of the reach of the flame, and must, in all cases, be soldered to the fixture.

Iron girder
above proscenium opening.

Sec. 1012. In all buildings of Class IV (b) there shall be an iron girder above the proscenium opening, the iron girder to be protected from heat by proper fireproof covering; above the girder there shall be a relieving arch the full width of the wall and the intervening space filled in with brickwork; should there

BUILDING REGULATIONS.

be constructed an orchestra over the stage above the proscenium opening, the said orchestra shall be placed outside of the proscenium wall. The molded frame around the proscenium opening shall be formed entirely of fireproof materials; if metal be used the metal shall be filled in solid with non-combustible materials, and the whole securely anchored to the wall with iron. The proscenium opening shall be provided with a fireproof curtain sliding at each end within iron grooves securely fastened to the wall, and extending into such grooves not less than six inches on each side. And fireproof curtain shall be raised at the commencement of each performance and lowered at the close of said performance, and to be operated by approved machinery. The proscenium curtain shall be placed at least three feet from the footlights at the nearest point. There shall be no openings in the proscenium wall above the level of the auditorium ceiling, and not to exceed two on any level below, and all such openings shall be closed with fireproof doors, said last mentioned doors not to exceed three feet in width.

Fire proofing material.

Sec. 1013. All high-pressure steam boilers hereafter to be placed in any building, except when in a separate brick boiler house, shall be placed in a fireproof room, constructed of brick, stone, concrete or terra cotta; and all openings to such fireproof room shall be provided with standard fire doors.

All buildings hereafter to be erected for boiler houses, unless entirely of fireproof construction, shall have brick walls and be so constructed that a clear space of at least eight feet shall exist between any part of the boiler and the roof, ceiling or other structural woodwork.

Boiler houses

For the purpose of hoisting during building operations, temporary steam boilers may be used in buildings in a manner approved by the Commissioner of Buildings.

Hoisting.

No boilers or heating apparatus shall be placed beneath the stairs or exits from any public buildings.

BUILDING REGULATIONS.

Hot air
furnaces.

Sec. 1014. All portable hot-air furnaces shall be kept at least two feet from any wooden or combustible partition, and at least two feet from any wooden or combustible ceiling, unless protected by three inches of incombustible material for a distance of at least three feet from the furnace.

Pipes.

Hot-air pipes in wood partitions, or between joists, must be made of metal, and are to be double. The space between the two pipes shall be at least one-half inch, and the pipes shall be kept apart from each other by the insertion of a sufficient number of metallic separators, while the interior of the main pipe is to be provided with braces, one for every three feet in length of the pipe.

Such pipes are to be made with air-tight joints and to be securely fastened in place.

The openings in floors for hot-air registers shall be surrounded with borders of some incombustible material not less than two inches wide, and firmly and securely set in place. The register boxes shall be double, the distance between the two thicknesses of the tin being at least one inch.

Where the air conveyed through pipes is heated by an ordinary hot-air furnace, or any other apparatus by direct contact of the air with the firebox, the material used for these double ducts, pipes and register boxes shall be "bright tin." When the air is heated with hot water or steam pipes, any other sheet metal may be used for the pipes, and the use of double pipes is not obligatory.

When only one register is connected with a furnace, said register shall have no valve.

One building
in direction of
depth of lot.

Sec. 1015. If more than one building for dwelling purposes is built in the direction of the depth of a lot, then a commodious street or avenue shall first be constructed to pass along and in front of said dwellings, at least thirty feet wide, to be

BUILDING REGULATIONS.

properly drained and graded; and the Building Commission shall strictly enforce this section, and no permit shall be issued by him contrary to this section, unless otherwise ordered by the Legislative Council; *provided*, that this section shall not apply to servant or other houses which are appurtenant to or go with the main building on the front of the lot.¹

Sec. 1016. All tenements within the city limits, either brick or frame, built for rental purposes and for housing more than two families, shall be so constructed that each room or suite of rooms having a separate door or entrance communicating with the street, court or alley shall be divided from the rest of the building by a solid fire wall of brick or concrete at least thirteen inches thick. Said wall to be without door or openings of any kind unless by special permission of the Legislative Council.²

Anti-ark ordinance—tenements.

Sec. 1017. Every habitable room shall have at least one window of an area equal to one-tenth of the floor area, communicating directly with the outer air. Water closets and plumbing fixtures shall be placed only in rooms that are ventilated by windows or skylight opening directly to the outer air, as called for by the plumbing ordinance. No such rooms shall be ventilated by a light shaft which ventilates habitable rooms, unless such light shaft is more than eight feet in its least dimensions. No space of less than forty square feet for three-story buildings, or less than fifty square feet for four-story buildings, and so on, increasing ten feet for each story additional, shall be considered as affording communication with outer air, and such open space or light shaft, if covered with a skylight or roof of any kind, shall not be considered as fulfilling the requirements of this section. No room shall be considered habitable unless its walls and ceilings are plastered or ceiled.

Every room to have window.

¹ Section 1015. Amendment August 16, 1908.

² Section 1016 passed February 21, 1905. Known as the Anti-Ark Ordinance.

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Single frame
dwelling.

Sec. 1018. No single frame dwelling shall be erected which shall contain accommodations for more than two families. Double dwellings or blocks of dwellings and tenement houses may be built to contain accommodations for more than two families and each part of such building shall be separated from the next part on either side by a wall built as follows:

Partition
wall.

This partition wall must be built of 2x6-inch studding, with the spaces between studding filled full of mineral wool, or any other approved fireproof material, from the brick wall in basement up to and close under the roof boards, the fireproofing to be secured in place between joists by wood blocking properly secured, and these partitions must be plastered on each side on metallic lath with an approved patent plaster. If brick is used for fireproofing between studding, then partitions may be plastered on wood lath with lime mortar. All such partitions must be supported on a thirteen-inch brick wall or eighteen-inch stone wall in the basement, which must be built from the cellar floor to the top of the ground floor joists. Any openings in brick wall shall be closed by a fireproof door.

No building
converted to
stable—when.

Sec. 1019. No building, any part of which is within forty feet of the dwelling of an adjoining owner, shall be erected for or converted to use as a stable, without the written consent of such adjoining owner or owners.

Nor used for
planing mill,
etc.

Sec. 1020. No building within the city limits shall be used or occupied, in whole or in part, for any of the trades or occupations hereafter mentioned, to-wit: Planing mill, sash, door and blind factories; wagon or carriage manufactories; cabinet and furniture manufactories; woodturning and veneering works; agricultural implement manufactories; box or shingle factories, or any other woodworking factory, two or more stories in height, unless such building so occupied shall have, in connection with it, a brick or fireproof vault of sufficient capacity to contain all

BUILDING REGULATIONS.

shavings, sawdust, chips or other light combustible refuse connected therewith.

All such shavings and other light combustible refuse or material shall be removed daily from such premises to such vault.

To remove refuse.

Sec. 1021. In every factory, mill or other like place, where belting, gearing, shafting or other things of like nature are used, the same shall be guarded in such a manner as will reasonably protect persons employed or passing near the same.

Belting to be guarded.

Sec. 1022. All chutes, conveyors or other openings from one part of a building to another part, used for any purpose, shall be constructed of brick, tile, metal or other incombustible materials, and shall have self-closing doors at every opening to prevent draft along the same.

Chutes to be of brick, tile, etc.

All fume and ventilating shafts shall be constructed of brick, tile, metal or other incombustible materials the entire length of same, in a manner approved by the Commissioner of Buildings.

Ventilating shafts.

Sec. 1023. It shall be unlawful to place, fix or stretch any spiked railings, barbed wire or other things of like nature, anywhere within the City of Memphis. Wooden fences shall never exceed six feet in height, above the grade, and shall be so placed as not to project over or upon any street, alley or public ground, excepting as may be otherwise provided.

Spiked railings and wooden fences.

Sec. 1024. No wooden fence exceeding six feet shall be erected in any of the fire districts of the city. No wall of masonry used as a fence shall exceed six feet in height. Open iron cresting may be placed on the top of walls to increase the height when used as a fence, same to be well bolted to the wall.

Sec. 1025. All flagstaffs shall be of proper dimensions, taper and strength, to be secured to the building in a manner approved by the Commissioner of Buildings.

Flagstaffs.

BUILDING REGULATIONS.

Trap doors. Sec. 1026. All buildings of Class I not having direct entrance to the basement from the outside shall have, in the first floor, within six feet of the front and rear doors, trap doors not less than 12x18 inches in size, and so constructed that they may be readily opened by the firemen in case of fire in the basement.

Storm door enclosures. Sec. 1027. The Commissioner of Buildings may issue a permit for the erection of storm-door inclosures, to be maintained only during the months of inclement weather, and shall not extend from the building line more than eighteen inches upon the sidewalk.

Smokehouses. Sec. 1028. Smokehouses which may hereafter be constructed shall be built throughout of incombustible material. All the openings to such smokehouses shall have shutters and doors of metal or of wood covered with metal on both sides, in a manner approved by the Commissioner of Buildings.

Ventilation between ceiling and roof. Sec. 1029. The space between all ceiling joists and roof timber shall be properly ventilated in all buildings.

School buildings. Sec. 1030. All school buildings exceeding two stories in height hereafter erected, shall be constructed fireproof.

Materials. Sec. 1031. All materials are to be of good quality for the purpose for which they are to be used and to conform to recognized trade and manufacturers' standards, and are to be subject to the approval of the Commissioner of Buildings.

Second-hand material. Second-hand building materials, if used, must conform to the standards laid down in this ordinance.

Rubbish. Sec. 1032. Loose rubbish, hay or straw shall not be piled or stacked in any lot within the middle or inner fire district, or kept in any place outside of a proper building to inclose the same.

BUILDING REGULATIONS.

Sec. 1033. Inflammable oils or explosives shall never be placed Oils or explosives.
or stored near any stairway or exit from any building so as to
render the exits dangerous in case of fire or accident.

Sec. 1034. No building any part of which is used for the stor- Buildings not
to be occupied
as dwellings—
when.
age of hay, straw, excelsior, shavings or inflammable oils in
greater quantities than fifty gallons, shall have any of the upper
part occupied as a dwelling, tenement or lodging house; this
section does not apply to private stables.

Buildings used for the storage of petroleum or inflammable Buildings for
storage of
oils.
oils of any kind in quantities exceeding five barrels of fifty gal-
lons each shall have the walls of same not less than eighteen
inches in thickness, and not to exceed sixteen feet in height;
the floors shall be made of fireproof paving or concrete upon the
ground, which shall not be less than ten feet below the grade;
the roof shall be of metal and to have fire walls all around not
less than thirteen inches thick and three feet high above the
roofs, and covered by incombustible copings.

It shall be unlawful to store or keep for sale within the limits Not exceeding
five barrels.
etc.
of the City of Memphis any petroleum or inflammable oils of any
kind in quantities exceeding five barrels of fifty gallons each,
except in buildings as provided for in this section.

Not more than 500 pounds of fireworks, or like explosives, Fireworks.
shall be stored in any one building within the city limits.

Sec. 1035. Every temporary support placed under any struc- Temporary
supports.
ture, wall, girder or beam, during the erection, finishing, altera-
tion or repairing of any building or structure, or any part thereof,
shall be of sufficient strength to safely carry the load to be
placed thereon.

Sec. 1036. Temporary frame structures for the use of build- Temporary
frame work.
ers while engaged in building operations may be erected adjoin-
ing the work in any part of the city, said temporary frame to be
removed as soon as the permanent building is inclosed.

BUILDING REGULATIONS.

Temporary
staging.

Sec. 1037. Temporary staging for observatory, grandstand, platforms and similar structures shall not be erected upon the roof of any building, or in any locality within the city, without a written permit from the Commissioner of Buildings, which permit shall only be issued after complete plans and specifications for the proposed structure shall have been filed in the office of the Commissioner of Buildings.

Manner of
construction
subject to
approval.

The manner of construction, and all matters touching the strength of the same, shall be subject to the approval of the Commissioner of Buildings, and all such structures shall be finished at least twenty-four hours before being occupied.

Tent or
canvas.

Sec. 1038. No tent or canvas structure of any kind shall be erected without the written permission of the Commissioner of Buildings, and then only for the term of days granted by the Commissioner of Buildings.

Penalty for
violation.

Sec. 1039. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists or opposes the execution of any provision of this ordinance, shall be guilty of a misdemeanor, and subject to a fine of not less than \$5 nor more than \$300, and every such person, firm or corporation shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect or refusal shall continue, and shall be subject to the penalty imposed by this section for each and every such separate offense; and any builder, architect or contractor who shall have constructed any building in violation of any provision of this ordinance, shall be liable to the penalties provided and imposed by this section.

AN ORDINANCE GOVERNING CONCRETE BLOCK CONSTRUCTION.

Passed January 10, 1907.

Concrete block
construction.

Sec. 1040. Block of Portland cement and sand, or of Portland cement, sand and gravel, or crushed stone, may be substituted

BUILDING REGULATIONS.

for bricks for constructing the walls of buildings under the following conditions:

Walls built of cement and sand blocks, and those built of cement, sand and gravel blocks, shall be of the same thickness as specified for brick walls in the building regulations of the City of Memphis, except that the block walls may be 8 inches, 12 inches, 16 inches, 21 inches, 25 inches thick, in place of 9 inches, 13 inches, 17 inches, 22 inches, 26 inches, as specified for brick.

Sec. 1041. The composition of cement and sand blocks shall be as follows: Composition.

One (1) and two (2) story buildings, one (1) part Portland cement and not more than four (4) parts clean, coarse, sharp sand.

Three (3) and four (4) story buildings, with basement, one (1) part Portland cement and not more than three (3) parts clean, coarse, sharp sand.

Sec. 1042. The composition of cement, sand and gravel or crushed stone blocks shall be as follows:

One (1) part Portland cement, two (2) parts clean, coarse, sharp sand and four (4) parts gravel, broken stone or other aggregates.

Sec. 1043. The outer walls of the blocks shall not be less than two (2) inches thick, and in the two pieces method of construction the center arm or lug shall not be less than three (3) inches thick. Outer walls.

BUILDING REGULATIONS.

Concrete blocks. Sec. 1044. The hollow space in all concrete blocks shall not exceed the percentage given in the following table for different height walls:

	1st	2d	3d	4th	5th	6th
Stories—	Pct.	Pct.	Pct.	Pct.	Pct.	Pct.
1 and 2.....	33	33				
3 and 4.....	25	33	33	33		
5 and 6.....	20	25	25	33	33	33

Sec. 1045. Blocks made out of cement and sand shall not be used in buildings over three (3) stories and basement in height.

To be cured. Sec. 1046. No cement blocks shall be used in a building unless they have been cured at least seven (7) days by the wet process, and fourteen (14) days naturally dried under shade.

Use prohibited. Sec. 1047. The use of hollow blocks in party walls is entirely prohibited.

Facing of concrete. Sec. 1048. Where the face only of a building is of hollow concrete building blocks, and the backing is of brick, the facing of hollow concrete blocks must be strongly bonded to the brick backing with headers projecting four (4) inches into the brickwork, every fourth (4th) course being a heading course, no brick backing to be less than eight (8) inches. Where the walls are made entirely of hollow concrete blocks, but where said blocks have not the same width as the walls, every fifth (5th) course shall be extended through the wall, forming a secure bond, at least two (2) feet center.

Load on the block. Sec. 1049. Wherever girders or joists rest upon the walls so that there is a concentrated load on the block of over two (2) tons, the block supporting the girder or joist must be made solid. Where such a concentrated load shall exceed five (5) tons, the blocks for two courses below and for a distance extending at least eighteen (18) inches each side of said girder or joist shall be

BUILDING REGULATIONS.

made solid. Where the concentrated load on the wall from the girder or joist exceeds five (5) tons, the blocks for three (3) courses underneath it shall be made solid with similar material as in the blocks. Wherever walls are decreased in thickness, the top course of the thicker wall is to be made solid.

Sec. 1050. *Provided always*, that no walls or any part thereof composed of hollow concrete blocks shall be loaded to an excess of eight (8) tons per superficial foot of the area of such blocks, including the weight of the wall, and no blocks shall be used that have an average crushing strength of less than one thousand (1,000) pounds per square inch of area at the age of twenty-eight (28) days, no deduction to be made in figuring the area for the hollow space.

Sec. 1051. All piers and buttresses that support loads in excess of five tons shall be built of solid concrete blocks for such a distance below as may be required by the Building Commissioner. Piers, etc.

Sec. 1052. Caps, lintels and sills for all openings for doors and windows shall be reinforced by iron or steel bars, round or square, in a manner satisfactory to the Building Commissioner. Any caps, lintels or sills spanning over three (3) feet in the clear shall rest on solid concrete blocks. All caps, lintels and sills shall have a bearing at each end of not less than six (6) inches on the wall. The depth or thickness of concrete for caps, lintels and sills shall never be less than four (4) inches, nor shall the span exceed twenty (20) times the thickness, and the reinforcing metal or steel rib, in any form, shall weigh not less than one (1) pound per square foot of the depth and lineal foot of the span. Caps, lintels and sills.

Sec. 1053. All centering shall be self-supporting, and no center in concrete construction shall be struck until fifteen (15) days after the concrete is laid. When centers shall be struck.

BUILDING REGULATIONS.

Proportion of
cement and
sand.

Sec. 1054. All concrete and cement walls must be set with Portland cement mortar mixed in the proportion of one (1) part cement to not more than three (3) parts of sand, and each bed of cement must not be less than one-quarter ($\frac{1}{4}$) inch. The joints on outside of wall must be pointed with similar cement mortar. All blocks must break bond when laid in the walls.

Cement to be
thrown away.

Sec. 1055. No materials containing cement that may have set or partially set can be used in a new batch, and must be discarded and thrown out. No retempering of materials will be allowed under any circumstances. All blocks that may have been damaged or shattered from the effects of cutting or handling will not be allowed to be used in any building, and must be removed immediately, if required by Building Commissioner.

Concrete
exposed to
cold.

Sec. 1056. All structural concrete exposed to or worked in the outer air shall not be worked when the temperature is thirty-two (32) degrees Fahrenheit or less in the shade; and any concrete liable to be exposed to frost, snow or ice before it has attained its permanent set shall be temporarily protected until the season has advanced beyond the probability of a frost, or until the building is properly closed; and such a work, after centers are removed, shall be given a physical test that will sustain a load of three (3) times that for which it is designated, without sign of failure.

Blocks to
be tested.

Sec. 1057. No hollow concrete building blocks shall be used in the construction of any building in the City of Memphis unless the maker of said blocks has submitted his product to the full test required by the regulations hereafter specified and placed on file with the Building Commissioner a certificate from a reliable testing laboratory, designated by said Building Commissioner, showing that samples from the lot of blocks to be used have successfully passed the requirements of the building regu-

BUILDING REGULATIONS.

lations, and filing a full copy of the tests with the Building Commissioner.

Sec. 1058. A brand or mark of identification must be impressed in or otherwise permanently attached to each block, for the purpose of identification.

Brand or
mark.

Sec. 1059. No certificate of approval shall be considered in force for more than four (4) months, unless there be filed with the Building Commissioner of the City of Memphis, at least once every four (4) months following, a certification from some reliable testing laboratory, as aforesaid, showing that the average specimens tested, as hereafter specified, comply with the requirements of the building regulations of the City of Memphis, said samples to be selected either by the Building Commissioner or by the laboratory from blocks actually going into construction work. The samples must be furnished by the manufacturers or contractors.

Certificate of
approval.

Sec. 1060. The manufacturer and user of such hollow concrete blocks as are mentioned in these regulations, or of any other blocks, shall at any time have made such tests of cement used in making such blocks, or such further tests of completed, blocks, or of each of these, at their own expense and under the supervision of the Building Commissioner, as said Building Commissioner shall require.

Manufacturer
to have tests
made.

Sec. 1061. The cement used in making said blocks shall be Portland cement, and must be capable of passing the minimum requirements as set forth in the "standard specifications for cement," by the American Society for Testing Materials.

Portland
cement.

Sec. 1062. Any and all blocks, samples of which, on being tested under the direction of the Building Commissioner, fail to stand the tests required by these regulations, shall be marked

Samples
marked
"condemned."

BUILDING REGULATIONS.

"condemned" by the Building Commissioner, and such blocks shall not be used in any building in the City of Memphis.

Specifications. Sec. 1063. These specifications governing methods of testing concrete building blocks shall be as follows:

First—These regulations shall apply to all new materials, such as are used in building construction in the same manner and for the same purposes as stone and brick are now authorized by the building laws, when said new material to be substituted departs from the general shape and dimension of ordinary building brick, and more particularly to that form of building material known as hollow concrete blocks, manufactured from cement and a certain addition of sand, crushed stone or other similar aggregate.

Second—Before any such material is used in buildings an application for its use and for a test of same must be filed with the Building Commissioner. A description of the material and a brief outline of its manufacture and proportion of the materials used must be embodied in the application.

Third—The materials must be subjected to the following tests, to-wit: Transverse, compression, absorption, freezing and fire. Additional tests may be called for when, in the judgment of the Building Commissioner, the same may be necessary. All tests will be made at the expense of the applicant.

Fourth—The results of the tests, whether satisfactory or not, must be placed on file in the office of the Building Commissioner. They shall be open to inspection, upon application to the Building Commissioner, but need not necessarily be published.

Fifth—For the purposes of tests the samples representing the commercial ordinary product may be selected from the stock of the Building Commissioner, or may be made in his presence, at his discretion. These samples must be of the regular size

BUILDING REGULATIONS.

and shape used in construction. In cases where the material is made and used in special shapes and forms too large for testing in the ordinary machines, smaller sized specimens shall be used, as may be directed by the Building Commissioner, to determine the physical characteristics specified in paragraph three.

Sixth—The samples may be tested as soon as desired by the applicant, but in no case later than sixty days after manufacture.

Seventh—The weight per cubic foot of the material must be determined.

Eighth—Tests shall be made in series of at least five (5), except that in the fire tests a series of two (2)—four samples—are sufficient. Transverse tests shall be made on full-sized samples. Half samples may be used for crushing, freezing and fire tests. The remaining samples are kept in reserve, in case unusual flaw, exceptional or abnormal conditions make it necessary to discard certain of the tests. All samples must be marked for identification and comparison.

Ninth—The transverse tests shall be made as follows: The sample shall be placed flatwise on two (2) rounded knife-edge bearings, set parallel, seven (7) inches apart. A load is then applied on top, midway between the supports and transmitted through a similar rounded knife edge until the sample is ruptured. The modulus of rupture shall then be determined by multiplying the total breaking load by twenty-one (21)—three times the distance between supports in inches—and then dividing the result thus obtained by twice the product of the width in inches by the square of the depth in inches.

$$R = \frac{3 W. L.}{2 B (D)^2}$$

No allowance shall be made in figuring the modulus of rupture for the hollow space.

BUILDING REGULATIONS.

Tenth—The compression tests shall be made as follows: Samples must be cut from blocks so as to contain a full web section; samples must be carefully measured, then bedded flatwise in plaster of paris, to secure a uniform bearing in the testing machine, and crushed. The total breaking load is then divided by the area in compression in square inches. No deduction will be made for hollow spaces. The area will be considered as the product of the width by the length.

Eleventh—The absorption test must be made as follows: The sample is first thoroughly dried to a constant weight. The weight must be carefully recorded. It is then placed in a pan or tray of water, face downward, immersing it to a depth of not more than one-half ($\frac{1}{2}$) inch. It is again carefully weighed at the following periods: Thirty (30) minutes, four (4) hours and forty-eight (48) hours, respectively, from the time of their immersion, being replaced in the water in each case as soon as the weight is taken. The compressive strength while still wet is then determined at the end of the forty-eight (48) hour period, in the manner specified in paragraph ten (10).

Twelfth—The freezing tests are made as follows: The sample is immersed as described in the above paragraph for at least four (4) hours and then weighed. It is then placed in a freezing mixture or in a refrigerator, or otherwise subjected to a temperature of not less than fifteen (15 F.) degrees Fahrenheit, for at least twelve (12) hours. It is then removed and placed in water, where it must remain for at least one (1) hour, the temperature of which is at least one hundred and fifty (150 F.) degrees Fahrenheit. This operation is repeated ten (10) times, after which the sample is again weighed while still wet from the last thawing. Its crushing strength should then be determined as specified above.

• BUILDING REGULATIONS.

Thirteenth—The fire test must be made as follows: Two (2) samples are placed in a cold furnace in which the temperature is gradually raised to seventeen hundred (1,700 F.) degrees Fahrenheit. The test pieces must be subjected to this temperature for at least thirty (30) minutes. One of the samples is then plunged in cold water about fifty to sixty (50 to 60 F.) degrees Fahrenheit, and the results noted. The second sample is permitted to cool gradually in air and the result noted.

Fourteenth—The following requirements must be met to secure an acceptance of the materials: The modulus of rupture for concrete blocks at twenty-eight (28) days old must average one hundred and fifty (150) and must not fall below one hundred (100) in any case.

The ultimate compression strength at twenty-eight (28) days must average one thousand (1,000) pounds per square inch, and must not fall below seven hundred (700) pounds in any case.

The percentage of absorption (being the weight of water absorbed divided by the weight of the dry sample) must not average higher than fifteen (15) per cent., and must not exceed twenty (20) per cent. in any case. The reduction in compressive strength must not be more than thirty-three and one-third (33 1-3) per cent., except when the lower figure is still above one thousand (1,000) pounds per square inch loss in strength may be neglected.

The freezing and thawing process must not cause a loss of more than thirty-three and one-third (33 1-3) per cent., except that when the lower figure is still above one thousand (1,000) pounds per square inch the loss in strength may be neglected.

The fire test must not cause the materials to disintegrate.¹

Sec. 1063a. No bill boards or bulletin boards or any other advertising boards of any character shall be erected or maintained

Bill boards—
how
constructed.

¹ Sections 1040 to 1063, inclusive, passed June 10, 1907.

STREET NAMES.

within the limits of the city except as herein specified: Ten feet in height to have 6x6 posts, four feet deep in the ground; twelve feet high, to have 8x6 posts, four feet in the ground; sixteen feet in height to have 8x8 posts, five feet deep in the ground. All posts to be set not more than eight feet from center to center, and to be braced from the rear with diagonal braces. Every bill board or bulletin board, or any other advertising board, to have a space left open at the bottom of a height of three feet, running the entire length of the board, except where the entire lot is inclosed, in which case they may run to the ground.²

Sec. 1063b. *Be it resolved by the Legislative Council of the City of Memphis,* That the Building Commissioner be and is hereby instructed to inspect at once all school buildings within the city, and see and require that all of said buildings be equipped with all proper and necessary exits and fire escapes, as are provided for under the building laws of the city, or, as are in his judgment necessary and judicious for the prompt escape of children and teachers in case of fire; and that all doors open outwardly only, and if there are any double doors that both doors swing outwardly and that neither of them be fastened during school hours.³

ARTICLE 52.

STREET NAMES.

AN ORDINANCE to be entitled an ordinance providing an official list of names for the thoroughfares of the City of Memphis and for publishing such list; also, providing for the naming of streets and other thoroughfares which may hereafter be opened for public use.

² Section 1063a passed November 28, 1906.

³ Section 1063b adopted March 5, 1908. See Minute Book "B," Board of Public Works, page 65.

STREET NAMES.

Sec. 1064. *Be it ordained by the Legislative Council of the City of Memphis,* That thoroughfares not more than approximately two blocks long shall be designated as places. Places extending north and south and situated south of Madison avenue, shall carry the prefix "south." Places running north and south and situated north of Madison avenue, shall carry the prefix "north." Places running east and west and lying east of Florida street, shall carry the prefix "east." Places running east and west and lying west of Florida street, shall carry the prefix "west."

Sec. 1065. That thoroughfares less than twenty feet in width may be designated as alleys.

Sec. 1066. That thoroughfares abutting or intersecting Madison avenue shall carry the prefix "south" for the thoroughfare, or part thereof, lying south of Madison avenue, and the prefix "north" for the thoroughfare, or part thereof, lying north of Madison avenue.

Likewise, thoroughfares abutting or intersecting Florida street shall carry the prefix "east" for the thoroughfare, or part thereof, lying east of Florida street, and the prefix "west" for the thoroughfare, or part thereof, lying west of Florida street. Florida street is defined for the purposes of this section as the north and south base line of the city house numbering system, which lies in Florida street, and its northern projection to the intersection of Nettleton (formerly Trezevant street) avenue and Tennessee street; thence northerly with Tennessee street to its intersection with Beale avenue; thence northerly parallel with N. Main street to Bickford avenue; thence northerly parallel with North Second street to the northern city limits.

Sec. 1067. That thoroughfares lying on approximately the same line shall have the same name unless the intervening space between the separate parts shall be greater than two thousand feet.

STREET NAMES.

Sec. 1068. That thoroughfares more than twenty feet in width and more than two blocks long shall be designated as avenues if running east and west and streets if running north and south.

Sec. 1069. That exceptions may be made to the provisions of the foregoing sections in the cases of thoroughfares designated as parkways and boulevards, and the further exception that narrow thoroughfares in the central business portion of the city may be designated as lanes.

Sec. 1070. That the thoroughfares within the limits of the City of Memphis shall hereafter bear the names assigned in the list following in this section:

NEW NAME	FROM	TO	OLD NAME
Adams av., E4	River	Jewish Cemetery	Adams st.
E. Agnes pl., H7	Woodward st.	S. Bellevue boul.	Agnes pl.
Alabama av., E3	Jackson av.	Poplar av.	Alabama st.
Alaska st., I1	Jackson av.	Vollentine av.	Alaska av.
S. Allen pl., E6	Vance av.	E. Butler av.	Allen av.
Alma st., I1	Jackson av.	Vollentine av.	Alma av.
Alston av., E8	Willoughby st.	Louisa st.	Alston av.
Alston av., F8	Louisa st.	Neptune st.	Selma av.
Anderson st., K7	Harbert av.	Central av.	Anderson av.
N. Annie pl., H1	E. Fern pl., n. 1st e. of N. Bellevue boul.		Annie av.
Arkansas st., B7	W. Georgia av.	W. Trigg av.	Arkansas av.
S. Armstrong pl., A8	W. Illinois av.	Wisconsin av.	Armstrong st.
S. Arnold pl., E9	LaCledé av.	Edith av.	Franklin st.
Ashland st., G4	Poplar st.	Mosby st.	Ashland court.
Ashland st., G3	Mosby st.	Autumn av.	Dupree st.
S. Aste pl., C9	E. McLemore av. n. 1st e. of Florida st.		Young's alley.
E. Atlantic pl., G8	Louisa st.	Neptune st.	Atlantic av.
N. Auburndale st., K5	Madison av.	Poplar av.	Auburndale st.
Auction av., E2	River	Jackson av.	Auction st.
Autumn av., K3	N. Waldran boul.	N. Watkins st.	Autumn av.
Autumn av., H3	N. Willett st.	N. McLean boul.	Autumn av.
Autumn av., F3	Along L. & N. R. R.		Railroad or Ohio av.
Autumn av., G3	Leath st.	Decatur st.	Ohio av.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
S. Avery pl., D6	Vance av.	E. Calhoun av.	Avery av.
Ayers st., G3	Mosby st.	L. & N. R. R.	Ayers st.
Ayers st., G4	Poplar av.	Mosby st.	Jefferson av.
Ayers st., G2	Autumn av.	Jackson av.	Marley av.
Azalia st., G9	E. McLeomore av.	E. Kerr av.	Azalia av.
N. Bacigalupo pl., I4	Poplar av.	Autumn av.	Bacigalupo av.
W. Baker's al., B8	Louisiana st., west 1st s. of Jackson Mound av.		Baker's al.
Baker st., J3	Poplar av.	Galloway av.	Humes av.
Baker st., J3	Poplar av.	Galloway av.	Baker av.
E. Baldwin's alley, H2	Decatur st., e. 1st n. of Jackson av.		Baldwin's alley.
E. Barboro alley, D5	S. Wagner pl.	S. Fourth st.	Alley N. Gayoso st.
N. Barksdale st	Madison av.	Galloway av.	Barksdale av.
S. Barksdale st., K7	Harbert av.	So. Railway	Estelle av.
S. Barksdale st., K6	Madison av.	Harbert av.	Barksdale av.
Barton st., C8	E. Iowa av.	E. Gilleas pl.	Barton av.
E. Basin alley, E2	N. Front st.	Sixth st.	Alley n. of Greenlaw st.
E. Bates alley, D4	N. Front st.	Bayou Gayoso	Alley n. of Madison av.
E. Baxter pl., D9	Latham st., w. 1st s. of Lucy av.		Lisa av.
E. Baxter pl., D9	Patton st.	Latham st.	Baxter pl. or Lisa av.
E. Bayard pl., H7	Woodward st.	S. Bellevue boul.	Bayard pl.
S. Beach pl., G8	Walker av.	Saxon av.	Beach av.
Beale av., D5	S. Manassas st.	East st.	DuBose av.
Beale av., F5	River	S. Manassas st.	Beale st.
W. Bean alley, C8	Kentucky st., w. 1st s. of W. Iowa av.		Tin Can alley.
E. Beard pl., J4	Dickinson st.	Evergreen st.	Runnimeade av.
E. Bedford alley, F5	Marshall st., w. 1st n. of Union av.		Old Union.
Beechwood av., H8	S. Somerville st., e. 1st s. of Walker av.		Beechwood av.
S. Bella pl., H8	E. Ryder pl.	Walker av.	Isabella av.
N. Bellevue boul., H5	Madison av.	Poplar av.	N. Bellevue av.
S. Bellevue boul., H5	Madison av.	Union av.	S. Bellevue av.
N. Bellevue boul., H1	Jackson av.	Vollentine av.	Fairground av.
N. Bellevue boul., H4	Poplar av.	Jackson av.	Mhoon av.
S. Bellevue boul., H6	Union av., beyond city limits		Raleigh av.
N. Belmont pl., G4	Jefferson av., n. 1st e. of N. Huppert pl.		Belmont pl.
S. Belvedere boul., J6	Union av.	Central av.	Belvedere boul.
N. Belvedere boul., J5	Madison av.	Poplar av.	N. Mosby av.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
S. Belvedere boul., J5..	Madison av.	Union av.	S. Mosby av.
E. Berry pl., D6	Rayburn boul., w. 1st n. of E. Butler av.		Berry av.
Bethel av., F1	Fourth st.	N. Manassas st.	Kerr st.
Bickford av., E1	N. Second st.	Seventh st.	Bickford st.
E. Bilder's alley, F7 ...	S. Orleans st., e. 1st s. of E. Georgia av.		Bilder's alley.
S. Bledsoe alley, D6 ...	Vance av.	E. Calhoun av.	Bledsoe.
1st e. of S. Avery pl.			
E. Bohlen alley, D4 ...	N. Third st., w. 1st n. of Court av.		Raggio alley.
E. Bohlen alley, E4 ...	N. Front st.	N. Lauderdale st.	Alley n. of Court av.
S. Booker's alley, D9 ...	E. McLemore av.	Simpson av.	Booker's alley.
E. Bowdre pl., E6	S. Lauderdale st.	S. Cynthia pl.	King's av.
E. Bowdre pl., E6	S. Humphrey pl.	S. Cynthia pl.	King's alley.
S. Boyd pl., F6	Vance av.	St. Paul av.	Boyd av.
S. Boyd pl., F6	Tate av.	St. Paul av.	Brown av.
S. Braxton pl., E5	Beale av.	E. Jessamine pl.	Braxton av.
Breedlove st., H1	Jackson av.	Vollentine av.	Breedlove av.
S. Bridge pl., C9	W. McLemore av., s. 1st w. of Florida st.		Bridge st.
E. Brunswick pl., F7 ..	Porter st.	Neptune st.	Brunswick st.
E. Butcher's alley, E2..	N. Front st.	Sixth st.	Alley n. of Sycamore st.
E. Butler av., D6	S. Main st.	E. Calhoun av.	Elliott av.
E. Butler av., C6	S. Wagner pl.	S. Main st.	E. Butler st.
W. Butler av., C6	S. Wagner pl.	River	W. Butler st.
E. California av., C8 ...	Florida st.	Texas st.	E. Spangler av.
W. California av., C8 ..	Florida st.	Kentucky st.	W. Spangler av.
W. California av., B8 ...	Louisiana st.	River	Coffee st.
E. Calhoun av., D6	Florida st.	E. Butler av.	E. Calhoun st.
W. Calhoun av., C6	Florida st.	River	W. Calhoun st.
N. Camilla st., G5	Madison av.	Jefferson av.	Euphon av.
S. Camilla st., G6	Union av.	Carr av.	Camilla st.
S. Camilla st., G5	Madison av.	Union av.	Draper st.
S. Camilla st., G7	Lamar av.	So. Railway	Florence av.
Cambridge av., D9	S. Main st.	Latham st.	Cambridge av.
Cambridge av., E9	Latham st.	S. Orleans st.	Malcolm av.
Cannon st., I9	E. McLemore av.	E. Trigg av.	Cannon av.
Carnes av., L9	Lamar av.	Buntyn	Carnes av.
E. Carolina av., D7	Florida st. to bayou e. of Rayburn boul.		Carolina st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
E. Carolina av., E7	Wright st.	S. Wellington st.	Woods alley.
W. Carolina av., B7	Florida st.	River	W. Carolina st.
Carr av., H6	S. Somerville st.	S. Willett st.	Carr av.
Carr av., G6	East st.	S. Somerville st.	Lamar av.
Carroll av., E3	Market av.	Poplar av.	Carroll av.
E. Carruthers pl., J4	Evergreen st.	Dickinson st.	Carruthers av.
Castalia st., L9	So. Railway	Lamar av.	Trainer av.
Cayce av., J9	S. Willett st.	Kyle st.	Cayce av.
N. Center lane, D3	Poplar av.	Exchange av.	Court pl.
N. Center lane, D3	Madison av.	Keel av.	Center alley.
	1st w. of N. Main st.		
S. Center lane, D4	E. McCall pl.	Madison av.	Center alley.
	1st w. of S. Main st.		
Central av., I,L,7	Lamar av.	S. Cooper st.	Central av.
E. Chapin pl., E7	Mississippi boul.	S. Simmons alley	Chapin av.
E. Charles pl., H1	Lewis st.	N. Bellevue boul	Charles av.
E. Chase alley, E1	N. Front st.	N. Manassas st.	Alley n. of Saffarans st.
Chelsea av., F1	Chelsea av., beyond city limits		New Raleigh rd.
Chelsea av., E1	N. Second st.	Seventh st.	Chelsea st.
E. Cherry pl., E7	Mississippi boul.	S. Orleans st.	Cherry alley.
Chester st., C6	Huling av.	W. Butler av.	Chester st.
N. Choctaw alley, E2	Auction av.	Chelsea av.	Sixth alley.
	Alley w. of Sixth st.		
N. Choctaw alley, E2	Auction av.	Mill av.	Grant alley.
	Alley w. of Sixth st.		
S. Church pl., D5	Gayoso av., south to bayou		Short Third st.
S. Clack pl., E8	Wicks av.	Walker av.	Clack st.
E. Clark alley, D3	N. Front st.	Bayou Gayoso	Alley n. of Market st.
N. Claybrook, st., I3	Poplar av.	Jackson av.	Atkinson av.
N. Claybrook st., I1	Jackson av.	Vollentine av.	Gilchrist av.
N. Claybrook st., I4	Madison av.	Poplar av.	N. Claybrook av.
S. Claybrook st., I5	Madison av.	Union av.	S. Claybrook av.
S. Claybrook st., I6	Peabody av.	Harbert av.	Paradise alley.
N. Cleveland st., I5	Madison av.	Washington av.	N. Cleveland av.
S. Cleveland st., I5	Madison av.	Central av.	S. Cleveland av.
S. Cleveland st., I6	Union av.	Peabody av.	Valley av.
S. Clinton pl., F7	E. Georgia av., s. to alley 1st w. of Walnut st.		Clinton st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
S. Coahoma pl., E8	Wicks av.	Walker av.	New Wallace av.
N. Cochran pl., G4	Poplar av.	Meriwether av.	Cochran av.
E. Cocke pl., D8	Rayburn boul.	Latham st.	Maryland av.
E. Cole alley, D7	Rayburn boul., e. 1st s. of E. Railroad av.		Sawdust alley.
E. Cole alley, D7	Rayburn boul., e. 1st s. of E. Railroad av.		S. Wright av.
E. Cole alley, D7	Rayburn boul., e. 1st s. of E. Railroad av.		Wright alley.
College st., G9	Walker av.	E. McLemore av.	College av.
College st., G9	E. McLemore av	E. Trigg av.	Fowler av.
E. Colorado av., C8	Florida st.	I. C. R. R.	E. Gaines st.
W. Colorado av., C8	Florida st.	River	W. Gaines st.
S. Colwell alley, C8	W. Jackson Mound av.	W. Colorado av.	Colwell av.
Commerce av., DE	N. Front st.	Bayou Gayoso	Commerce st.
Como st., F7	Dixon av.	Phelans av.	Como st.
Como st., F7	E. Truth alley	Dixon av.	Gardner st.
Concord av., E2	N. Front st.	Bayou Gayoso	Concord st.
Concord av., F3	High st.	N. Manassas st.	Bradford st.
Concord av., F3	Jackson av.	High st.	Robeson st.
E. Conduit alley, E3	N. Front st.	N. Fourth st.	Alley n. of Exchange st.
N. Convent pl., J5	Madison av.	Poplar av.	Idlewild court.
S. Conway's alley, F6	S. Orleans st.	McKinley st.	Conway's alley.
N. Cooper st., L5	Madison av.	Overton Park	N. Cooper av.
Along eastern city limits.			
S. Cooper st., L8	Madison av.	Lamar av.	S. Cooper av.
Along eastern city limits.			
W. Corinth pl., B7	Kansas st.	Pennsylvania st.	S. Broadway.
S. Cossitt pl., G6	Eastmoreland av.	E. Estival pl.	Cossitt pl.
E. Cottage pl., D6	S. Fourth st.	Turley st.	Cottage st.
Court av., D4	River	N. Tucker st.	Court st.
Court av., H5	N. Bellevue boul.	N. Montgomery st.	Ersphine av.
Court av., L5	East End Park	N. Cooper st.	Munson av.
N. Courthouse lane, E3.	Madison av.	Chelsea av.	Fourth alley.
1st e. of N. Third st.			
S. Courthouse lane, D4.	Union av.	Madison av.	Fourth alley.
1st e. of S. Third st.			
E. Courtland pl., L6	S. Rembert st.	S. Cooper st.	Courtland av.
E. Coward pl., G6	East st.	S. Dudley st.	St. Paul st.
Cowden av., K7	S. McLean boul	S. Barksdale st.	Logan av.

				STREET NAMES.
NEW NAME	FROM	TO	OLD NAME.	
Cowden av., L7	S. Barksdale st.	S. Cooper st.	Cowden av.	
E. Coweta alley, H2	Breedlove st.	Lewis st.	Coweta st.	
E. Crematory alley, F3	Concord av., e. 1st s. of Hill st.		Crematory alley.	
E. Critchell alley, G4	Ayres st., e. 1st s. of Meriwether av.		Critchell av.	
N. Crockett pl., H1	E. Coweta alley	Vollentine av.	Crockett av.	
Crump av., K1	Evergreen st.	N. McLean boul.	Crump av.	
E. Cubbins alley, E1	N. Front st.	Maxwell st.	Alley n. of Keel st.	
Cummings st., G9	Walker av.	E. McLeMore av.	Cummings av.	
Cummings st., G9	E. McLeMore av.	E. Kerr av.	Elliston av.	
S. Cynthia pl., E6	Vance av.	St. Paul av.	S. Cynthia st.	
S. Cynthia pl., E6	Linden av.	Vance av.	Cynthia pl.	
E. Dakota pl., C8	Florida st.	I. C. R. R.	Morgan av.	
W. Dale pl., B8	Louisiana st.	Frisco Incline	New st.	
E. Darnell pl., C8	Texas st.	I. C. R. R.	Darnell pl.	
S. Dauriac pl.	Wisconsin av., s. 1st w. of Riverside boul.			
E. Dawson pl., F2	Peyton st., w. 1st s. of Saffarans av.		Short Saffarans st.	
E. Dawson pl., F2	Seventh st.	Peyton st.	Dawson av.	
Decatur st., G4	Washington av.	Jackson av.	Brinkley av.	
Decatur st., G2	Jackson av.	Chelsea av.	Mosely av.	
Delaware st., A8	W. Railroad av.	Frisco Incline	Delaware av.	
E. Delia pl., E6	S. Lauderdale st., w. 1st s. of Vance av.		Delia st.	
E. Delmar pl., G3	Decatur st.	N. Waldran boul.	Delmar av.	
E. Delmar pl., G3	Ayres st.	Decatur st.	Winchester av.	
E. Dennie alley, D5	Bayou Gayoso, e. 1st n. of Union av.		Old Union.	
S. Diana st., L6	Madison av.	Vinton av.	Diana av.	
Dickinson st., J3	Poplar st.	Jackson av.	Dickinson st.	
Dixon av., F7	Walnut st.	Neptune st.	Chickasaw pl.	
Dixon av., F7	S. Orleans st.	Walnut st.	Dixon st.	
E. Donahue alley, C9	E. McLeMore av., n. 1st e. of Florida st.		Donahue alley.	
E. Dorothy pl., H7	Woodward st.	S. Bellevue boul.	Dorothy pl.	
S. Dove alley, F6	Suzette st.	So. Railway	Suzette alley.	
Driver st., E7	E. Railroad av.	E. Iowa av.	Cannovan av.	
Driver st., E7	E. George av., s. 1st w. of Mississippi boul.		Crawford st.	
Driver st., E9	Lucy av.	Olive st.	Harris av.	
Driver st., E5	Beale av.	Linden av.	Driver st.	
Driver st., E7	E. Georgia av., s. 1st w. of Mississippi boul.		Looney pl.	

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Driver st., E6	Vance av., s. 1st w. of S. Lauderdale st		Ruth st.
Driver st., E8	Wicks av.	Walker av.	Nesbitt st.
S. Dudley st., G7	Carr av.	E. Railroad av.	Dunlap av.
S. Dudley st., G6	Union av.	Carr av.	Dudley st.
S. Dudley st., G5	Madison av.	Union av.	Rose st.
S. Dunlap st., G6	Union av.	Vance av.	Middle st.
N. Dunlap st., G3	Madison av.	Keel av.	Dunlap st.
S. Dunlap st., G6	Madison av.	Union av.	Dunlap st.
E. Dunn alley, G5	S. Dunlap st., e. 1st s. of Union av.		Union alley.
Dunnivant st., I9	E. McLemore av.	Park Driveway	Dunnivant av.
N. Dunscomb pl., F2	L. & N. R. R.	Jackson av.	Dunscomb av.
E. Dutro pl., E7	S. Lauderdale st.	E. Railroad av.	Mitchell av.
East st., G5	Union av.	E. Coward pl.	East st.
East st., G7	E. Coward pl.	E. Railroad av.	Ragland av.
Eastmoreland av., G5	So. Ry.	S. Bellevue boul.	Spring st.
Eastmoreland av., I5	Pine st.	S. Watkins st.	Spring st.
E. Eaton alley, C7	Michigan st., e. 1st s. of E. Railroad av.		Eaton alley.
E. Egan alley, C8	Texas st.		Egan alley.
Edith av., D9	Patton st.	Latham st.	Wooldridge av.
Edith av., D9	S. Third st.	S. Wellington st.	Osage av.
Edith av., E9	S. Wellington st.	S. Lauderdale st.	Edith pl.
Edith av., G9	Neptune st.	S. Beach pl.	Dean av.
Edith av., F9	S. Orleans st.	S. Lauderdale st.	Aydelette av.
Edith av., F9	Mississippi boul., e. 2d s. of Walker av.		Rowley av.
E. Edna pl., G9	College st., e. 1st n. of E. McLemore av.		Edna av.
Elliott Hill	Lucy av., north 1st e. of Florida st.		
E. Elm pl., D8	I. C. Shops	Rayburn boul.	Elm av.
N. Elmhurst pl.	Poplar av.	Exchange av.	Cow al.
E. Elzey pl., L7	S. Cooper st., w. 1st n. of Nelson av.		Elzey av.
Emmie st., J8	Euclid av.	Lamar av.	Emmie av.
E. Ensley pl., H9	Kimbrough st.	Wilson st.	Montana st.
E. Estival pl., G6	Southern Railway	East st.	Estival pl.
Euclid av., J8	Lamar av.	Emmie st.	Euclid av.
Euclid av., K8	Emmie st.	S. McLean boul.	Klondyke pl.
Evelyn av., J7	Roland st.	S. McLean boul.	Evelyn av.
Evelyn av., L8	S. Cooper st., w. 1st n. of Nelson av.		Evelyn av.

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STREET NAMES.

NEW NAME	FROM	TO	OLD NAME.
Evergreen st., K1	Jackson av., n. 1st w. of N. McLean boul.	Hill av.	
Evergreen st., K3	Poplar av.	Jackson av.	Evergreen av.
Exchange av., D3	River	Bayou Gayoso	Exchange st.
Exchange av., F4	High st.	Alabama st.	Exchange st.
Exchange av., G4	Decatur st., w. 1st n. of Poplar av.		Exchange av.
E. Farrow pl., C9	Florida st.	S. Main st.	Farrow av.
Faxon av., K2	L. & N. R. R.	N. McLean boul.	Faxon av.
Felix av., K8	Rozell st.	Emmie st.	Felix av.
Felix av., K8	Emmie st.	S. McLean boul.	St. George st.
Felix av., L8	S. McLean boul.	Tanglewood st.	Felix av.
E. Fern pl., I1	N. Bellevue boul.	N. Montgomery st.	Swayne st.
Fifth st., E2	Auction av.	Vollentine av.	Fifth st.
E. Fisher alley, F8	McDowell st., e. 1st s. of Walker av.		Lenow pl.
E. Fisher alley, F8	Mississippi boul.	McDowell st.	Waller av.
S. Florence st., L5	Madison av.	Union av.	Florence av.
Florida st., C8	Georgia av.	New South Memphis	Florida st.
S. Floy alley, D7	E. Railroad av.	E. Virginia av.	Floy alley.
E. Floyd alley, D4	S. Front st.	Bayou Gayoso	Alley n. of Union st.
W. Fly's alley	Kansas st.	Pennsylvania st.	Fly's alley.
S. Ford pl., F8	Williams av.	Walker av.	Ford st.
Forest av., J3	N. Watkins st.	N. McLean boul.	Forest av.
Foster av., J9	Rozell st. west		Texas av.
Fourth st., E2	Auction av.	Vollentine av.	Fourth st.
N. Fourth st., E4	Madison av.	Market av.	Fourth st.
S. Fourth st., D7	E. Georgia av.	Walker av.	Davie av.
S. Fourth st., D6	Madison av.	E. Georgia av.	DeSoto st.
S. Frank pl., E7	E. Railroad av.	S. Orleans st.	Frank st.
S. Frisco alley, C7	W. Georgia av.	W. Carolina av.	Stratton alley.
N. Front st., D3	Madison av.	City limits	N. Front st.
S. Front st., C4	Madison av.	Beale av.	S. Front st.
S. Front st., C5	Beale av.	Georgia av.	Shelby st.
Fulton st., D3	Auction av.	Adams av.	Fulton st.
W. Gaines alley, B8	Kentucky st.	Pennsylvania st.	Gaines alley.
Galloway av., J3	L. & N. R. R.	N. McLean boul.	Dewey av.
Galloway av., F3	N. Dunscomb pl.	N. Manassas st.	Marr st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Galloway av., G8	N. Dunlap st.	N. Waldran boul.	Spring st.
Galloway av., G8	N. Manassas st.	N. Dunlap st.	Wood st.
N. Garland pl., I4	Poplar av.	Galloway av.	Garland pl.
Gaston av., D8	Patton st.	S. Wellington st.	Middleton av.
S. Gavin alley, E8	W. Illinois av., s. 1 w. of Florida st.		Gavin alley.
Gayoso av., D5	River	S. Wellington st.	Gayoso st.
E. Georgia av., D7	Florida st.	East st.	E. Georgia st.
W. Georgia av., B7	Florida st.	River	W. Georgia st.
S. Gibson pl., H6	Lamar av., s. 1st e. of Woodward st.		Gibson av.
Gilbert av., C8	Rayburn boul.	I. C. R. R.	Gilbert av.
S. Gilfield alley, C8	E. Railroad av.	E. Virginia av.	Gilfield alley.
	1st w. of Texas st.		
E. Gill pl., J9	Kyle st.	Oakview st.	Forest av.
E. Gilleas pl., C9	Rayburn boul.	I. C. Shops	Maple av.
E. Glenwood pl., J7	S. Belvedere boul., e. of Anderson st.		Cowden av.
N. Goebel pl., G4	Poplar av., south		Goebel alley.
E. Goodbar pl., G14	S. Willett st., e. & w.		Goodbar pl.
S. Goodwin pl., D9	Rayburn boul.	I. C. R. R.	Goodwin's Hill.
E. Goyer pl., E7	S. Lauderdale st.	E. Henderson pl.	Willett av.
S. Graham pl., G5	Madison av.	Monroe av.	Graham st.
E. Grant pl., H1	Lewis st.	N. Bellevue boul.	Grant av.
S. Graves pl., J6	Union av.	Peabody av.	Graves av.
S. Green's alley, C8	Walker av.	E. Elm pl.	Green av.
Greenlaw av., E2	N. Front st.	N. McDavitt pl.	Greenlaw st.
Greenlaw av., G2	N. Dunlap st.	N. Watkins st.	Winter st.
Greenwood st., H8	E. Ryder pl.	Walker av.	Dabney pl.
Greenwood st., H9	Walker av.	E. Kerr av.	Greenwood av.
S. Greer alley, D7	E. Iowa av., s. 1st e. of Rayburn boul.		Walker alley.
E. Griffin alley, D6	Rayburn boul.	S. Fourth st.	Rocco alley.
E. Griffin alley, D6	Rayburn boul., w. 1st s. of Calhoun av.		Griffin alley.
S. Grimes pl., D9	E. McLemore av.	E. Trigg av.	Grimes pl.
	Along I. C. R. R.		
Grove av., G7	Walnut st.	S. Dudley st.	Grove av.
E. Guthrie pl., F1	Thomas st. w. 1 s. of Vollentine		Bender pl.
E. Gwin alley, E2	N. Front st.	N. Second st.	Gwin alley.
E. Hally pl., I9	Wilson st.	Cannon st.	Hally av.

			STREET NAMES.
NEW NAME	FROM	TO	OLD NAME
S. Ham pl., F5	Beale av.	Linden av.	Ham pl.
N. Hamlin pl., F4	Poplar av.	Exchange av.	Hamlin av.
E. Hampton pl., E8	S. Lauderdale st.	S. Orleans st.	Hampton alley.
N. Handwerker pl., G5	Madison av.	Court av.	Handwerker road.
Harbert av., J6	S. Bellevue boul.	S. Cooper st.	Harbert av.
Hastings st., G1	Saffarans av.	Keel av.	Carroll st.
Hastings st., G2	Jackson av.	Saffarans av.	Hastings st.
Hawaii av., I1	N. Montgomery st.	N. Watkins st.	Hawaii av.
Hawthorne st., K3	Poplar av.	Jackson av.	Hawthorne av.
S. Haywood pl., I8	Lamar av.	So. Railway	Haywood av.
E. Heinrich's alley, F8	S. Orleans st.	Mississippi boul.	Heinrich alley.
E. Heiskell pl., F7	Walnut st.	Neptune st.	Lucille st.
E. Heistan pl., H7	Bellevue boul.	Wilson st.	Heistan av.
E. Henderson pl., E7	E. Iowa av.	S. Frank pl.	McKinney st.
Henry av., E1	Wolf River	Seventh st.	Henry st.
Hickory av., E1	I. C. R. R.	Fourth st.	Hickory st.
Higbee av., L7	S. Rembert st.	S. Cooper st.	Higbee av.
High st., F3	Adams av.	Jackson av.	High st.
N. Highman's alley, G3	Galloway av.	Jackson av.	Highman's alley.
Hill st., E3	Alabama st.	Jackson av.	Hill st.
Hill st., E3	Carroll av.	Alabama st.	Thornton av.
S. Hobart pl., F7	Dixon av.	E. Railroad av.	Hobart st.
E. Hogan alley, G5	S. Dunlap st.	S. Dudley st.	Hogan's alley.
E. Holman pl.	Seattle st., w. 1 n. of Southern Railway		Holman av.
N. Hospital st., G5	Madison av.	Jefferson av.	Henry av.
E. Hotel alley, C5	S. Wagner pl.	S. Front st.	Hotel st.
E. Hotel alley, C5	S. Front st.	S. Main st.	Alley n. of Gayoso Hotel
S. Howe alley, E6	Mississippi boul., n. 1st w. of S. Wellington st.		Howe alley.
S. Huen alley, B8	W. Gaines alley	W. Colorado av.	Huen's alley.
Huling av., C6	River	S. Second st.	Huling st.
S. Humphreys pl., E6	Vance av.	St. Paul av.	Humphreys st.
N. Huppert pl., G4	Jefferson av.	Poplar av.	Huppert av.
E. Ida pl., F9	Mississippi boul., e. 1st n. of E. McLemore av.		Ida av.
N. Idlewild st., K5	Madison av., north		N. Idlewild av.
S. Idlewild st., K5	Madison av.	Union av.	S. Idlewild av.
S. Idlewild st., K6	Union av.	Linden av.	Ellen av.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
E. Illinois av., B8	Florida st.	Texas st.	Trainer av.
W. Illinois av., B8	Florida st.	River	Trainer av.
Indiana st., A8	W. Railroad av.	Frisco Incline	Indiana av.
W. Iowa av., B8	Florida st.	River	W. Iowa av.
E. Iowa av., D8	Florida st.	Mississippi boul.	E. Iowa av.
Irene av., I8	S. Haywood pl.	Rozelle st.	Irene av.
Jackson av., E3	Promenade st.	Alabama av.	Jackson st.
Jackson av., F2	Alabama st.	Decatur st.	Johnson av.
Jackson av., I2	Decatur st.	Beyond city limits	Old Raleigh road.
E. Jackson Md. av., C8	Florida st.	I. C. R. R.	E. Gholson st.
W. Jackson Md. av., B8	Florida st.	Pennsylvania st.	W. Gholson st.
W. Jackson Md. av., A8	Pennsylvania st.	Jersey st.	Van Buren st.
James st., H8	So. Railway	E. Trigg av.	James st.
James st., H9	E. McLeMore av.	Saxon av.	Oak av.
Jefferson av., G4	N. Dunlap st.	N. Lumpkin st.	Bass av.
Jefferson av., D4	River	N. Dunlap st.	Jefferson st.
Jefferson av., L5	East End Park	N. Cooper st.	Flora av.
Jefferson av., K5	N. McLean boul.	N. Tucker st.	Vernon av.
E. Jehl pl., G1	Ayers st.	Decatur st.	Jehl av.
E. Jennette pl., F8	S. Orleans st.	Mississippi boul.	Jennette av.
Jersey st., A8	W. California av.	W. Colorado av.	Carroll st.
E. Jessamine pl., E5	So. Lauderdale st.	Southern Railway	Jessamine st.
W. Johnson alley, A8	Delaware st., w. 1st s. of W. Colorado av.		Johnson alley.
Jones st., F3	Alabama st.	Overton Park av.	Jones av.
E. Joseph pl., G1	Ayres st.	Breedlove st.	Joseph pl.
E. Joy alley, E4	N. Front st.	Bayou Gayoso	Alley n. of Adams av.
Kansas st., B7	W. Calhoun av.	W. Kerr av.	Kansas av.
Kansas st., B9	W. McLeMore av., south		Horn Lake road.
Keel av., G1	N. Manassas st.	Decatur st.	Bruce st.
Keel av., E1	River	N. Manassas st.	Keel st.
Keel av., I1	Breedlove st.	N. Watkins st.	Frances av.
S. Keely alley, D7	E. Georgia av.	E. Railroad av.	Davie alley.
Kentucky st., B7	W. Calhoun av.	W. McLeMore av.	Kentucky av.
Kimbrough st., H9	E. Heistan pl.	So. Railway	Curran av.
Kimbrough st., H8	Walker av.	E. McLeMore av.	Wyoming av.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Kney av., H1	E. Joseph pl.	Chelsea av.	Kney av.
S. Knight pl., F8	Williams av., s. 1st e. of Mississippi boul.		Knight av.
E. Koehler alley, G6	East st.	So. Railway	Koehler st.
Kyle st., J9	So. Railway	Park Driveway	Center av.
Kyle st., J8	Evelyn av.	Lamar av.	Kyle av.
Kyle st., J9	So. Railway, south		Lafayette av.
LaCledé av., E8	S. Third st.	S. Wellington st.	LaCledé st.
LaCledé av., E8	S. Wellington st.	S. Lauderdale st.	Lockwood pl.
LaCledé av., E8	S. Lauderdale st.	S. Orleans st.	Osage st.
Lamar av., I7	S. Somerville st.	S. Cooper st.	Lamar boul.
Lane av., G3	High st.	N. Waldran boul.	Lane av.
Lane av., G3			North st. or Lane av.
W. Lanham pl., B7	Kansas st.	Pennsylvania st.	N. Broadway.
Larkin av., I4	N. Montgomery st.	N. Garland pl.	Lawrence st.
E. LaSalle pl., L5	East End Park	N. Cooper st.	Court st.
Latham st., D9	Walker av.	Axie av.	Latham av.
Latham st., D8	E. Iowa av.	Walker av.	Park av.
N. Lauderdale st., E4	Adams av.	Poplar av.	Yates av.
N. Lauderdale st., E4	Madison av.	Adams av.	Charleston av.
S. Lauderdale st., E7, 9	Union av.	E. Kerr av.	S. Lauderdale st.
E. Lawrence pl., J4	Dickinson st.	Evergreen st.	Lawrence st.
S. Leach pl., F7	Polk av.	E. Railroad av.	Moore st.
Leath st., G2	Autumn av.	Jackson av.	Gates av.
Leath st., G2	Jackson av.	Keel av.	Leath av.
Leath st., F4	Poplar av.	Autumn av.	Ross av.
Leath st., F4	Washington av.	Poplar av.	McGehee av.
E. Lee pl., L5	East End Park	N. Cooper st.	Lee av.
LeMaster st., J6	Union av.	Peabody av.	Marks av.
E. LeMoyne pl., F5	S. Orleans st.	So. Railway	LeMoyne st.
Lenow st., F8	Williams av.	Walker av.	Lenow st.
E. L. & N. alley	N. Front st.	N. Courthouse alley	Alley n. of Concord av.
E. Leon pl., G1	Ayers st.	Decatur st.	Leon av.
Lewis st., H3,4	Poplar av.	Autumn av.	Grove st.
Lewis st., H1	Jackson av., north		Lewis av.
E. Levee alley, E2	N. Front st.	Seventh st.	Alley n. of Mill st.
Linden av., D5	River	East st.	Linden st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Linden av., G6	East st.	S. Watkins st.	Overton av.
Linden av., K6	LeMaster st.	S. Rembert st.	Mystic av.
Linden av., L6	S. Rembert st.	S. Cooper st.	Eldone av.
E. Line pl., J9	Rozell st., westward		West st.
S. Litty pl., B7	W. Railroad av.	W. Virginia av.	Litty pl.
S. Litty pl., B7	W. Georgia av., s. 1st e. of Kansas st.		Short Kansas.
Locke st., K9	So. Railway, near Lamar av.		Locke av.
Lofland av., A9	Riverside boul.	River	Lofland av.
E. Long pl., E8	S. Fourth st.	S. Wellington st.	Long av.
Looney av., E1	N. Front st.	N. Main st.	Andrews av.
Looney av., F1	N. Main st.	Ayers st.	Looney st.
Louisa st., F8	E. Railroad av.	Walker av.	Louisa st.
Louisa st., F8	Williams av.	Walker av.	Church st.
Louisiana st., B8	W. Georgia av.	Oklahoma av.	Louisiana av.
Louisiana st., B9	Oklahoma av., beyond city limits		Shepherd av.
S. Lucas alley, G6	So. Railway	E. Georgia av.	Lucas alley.
	1st e. of Suzette st.		
E. Lucerne pl., D8	Rayburn boul.	Latham st.	Lucerne av.
E. Lucille pl., F6	Bet. Walnut, Neptune and E. Railroad av.		Lucille alley.
Lucy av., E9	Florida st.	S. Orleans st.	Lucy av.
Lucy av., F9	S. Orleans st.	Race st.	Arcadia pl.
N. Lumpkin st., J3,5	Madison av.	L. & N. R. R.	N. Lumpkin av.
S. Lumpkin st., J5	Madison av.	Union av.	S. Lumpkin av.
S. Lyceum lane, D4	Beale av.	Madison av.	Third alley.
	1st w. of S. Third st.		
N. Lyceum lane, D4	Madison av.	Chelsea av.	Third alley.
	1st w. of N. Third st.		
Madison av., D4	Front st.	Dunlap st.	Madison st.
Madison av., H5	Dunlap st.	Cooper st.	Madison av.
N. Maiden lane, D4	Madison av.	Chelsea av.	Second alley.
	1st w. of N. Second st.		
S. Maiden lane, D5	Beale av.	Madison av.	Second alley.
	1st w. of S. Second st.		
N. Main st., D4	Madison av.	City limits	N. Main st.
S. Main st., C6	Madison av.	E. Iowa av.	S. Main st.
S. Main st., C9	E. McLeomore av.	E. Trigg av.	Main st.

NEW NAME	FROM	TO	STREET NAMES. OLD NAME
E. Magnolia pl., I9	Dunnivant av., east		Walsh av.
S. Managan alley, G7	So. Railway	E. Georgia av.	Managan alley.
N. Manassas st., F2	Madison av.	City limits	Manassas st.
S. Manassas st., F5	Madison av.	Eastmoreland av.	Manassas st.
S. Manassas st., F5	Beale av.	Eastmoreland av.	Brown av.
Mansfield st., I7	Harbert av.	Central av.	Otis av.
Market av., D3	N. Front st.	Carroll av.	Market st.
N. Marks st., J5	Madison av.	Poplar av.	N. Marks av.
N. Marsh Miller pl., E3	Winchester av.	Market av.	Winchester st.
Marshall av., F5	Madison av.	Eastmoreland av.	Marshall av.
N. Massey pl., I4	Poplar av., n. 1st e. of Claybrook st.		Massey av.
S. Maumus pl., F7	Phelan av., n. 1st e. of S. Orleans st.		Maumus av.
Maxwell st., F2	Greenlaw av.	Bethel av.	Maxwell st.
May st., L1	Summer av., north		May av.
Melrose st., I8	Peabody av.	So. Railway	Melrose av.
Meriwether av., G4	Decatur st.	N. Waldran boul.	Meriwether av.
Meriwether av., G4	Ayres st.	Decatur st.	Market st.
S. Metcalf pl., K7	Central av.	N., C. & St. L.	Linwood pl.
Michigan st., C7	E. Iowa av.	Gilbert av.	Floy av.
Michigan st., C7	E. Georgia av.	E. Iowa av.	Michigan av.
Mill av., E2	N. Front st.	Peyton st.	Mill st.
S. Milburn pl., B7	E. Carolina av.	E. Virginia av.	Milburn av.
E. Minna pl., H7	Woodward st.	S. Bellevue boul.	Minna pl.
Minnesota st., A8	W. Illinois av.	W. Iowa av.	Piomingo st.
Mississippi boul., E7	E. Calhoun av.	E. Kerr av.	Mississippi av.
Monroe av., I5	S. Watkins st.	S. McNeil st.	Katherine pl.
Monroe av., L5	S. Diana st.	S. Cooper st.	Monroe av.
Monroe av., G5	River	Goodwin property line.	Monroe st.
N. Monteverde pl., G4	Jefferson av.	Poplar av.	Monteverde alley.
N. Montgomery st., H4	Jefferson av.	Jackson av.	Montgomery av.
N. Montgomery st., I1	Jackson av.	Vollentine av.	Nicholas av.
N. Montgomery st., H5	Madison av.	Jefferson av.	Spruce st.
N. Moffat alley, F3		Alabama av. or Moffat alley.	
N. Morgan pl., I4	Poplar av.	Peach av.	Morgan av.
Morrison st., L5	Madison av.	Union av.	Stratton av.
Mosby av., F3	Jones st.	Queen st.	Hawley st.
Mosby av., F3	Jackson av.	Jones st.	Mosby st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Mulberry st., C5	Beale av.	Huling av.	Mulberry st.
E. Muller pl., H2	Decatur st., e. 1st n. of Jackson av.		Muller court.
Myrtle st., F5	Linden av.	Pontotoc av.	Bowen pl.
Myrtle st., F5	Union av.	So. Railway	Myrtle st.
E. McCall pl., C5	S. Wagner pl.	S. Main st.	McCall st.
N. McDavitt pl., F2	Jackson av.	Saffarans av.	McDavitt av.
McDowell st., F8	Williams av.	Walker av.	McDowell st.
McDowell st., F8	Walker av.	Saxon av.	Murray av.
McKinley st., F7	St. Paul av.	E. Railroad av.	McKinley st.
N. McLean boul., K3	Madison av.	Jackson av.	N. McLean av.
S. McLean boul., K6	Madison av.	E. McLemore av.	S. McLean av.
W. McLemore av., B9	Florida st.	Louisiana st.	McLemore av.
E. McLemore av., F9	Florida st.	S. Rembert st.	McLemore av.
N. McNeil st., I5	Madison av.	Poplar st.	N. McNeil av.
N. McNeil st., I4	Poplar av.	Overton Park av.	Willodene av.
S. McNeil st., I5	Madison av.	Union av.	S. McNeil av.
E. McNulty alley, D2	N. Front st.	N. Courthouse alley	Alley n. of Overton st.
Nebraska av., B9	Kansas st.	Louisiana st.	Nebraska av.
N. Neely st., F4	Madison av.	Adams av.	N. Lauderdale st.
Nelson av., K8	Rozell st., beyond city limits		Nelson av.
Neptune st., G7	So. Railway	E. McLemore av.	Robeson av.
S. Nesbitt pl.	Williams av.	Walker av.	Nesbitt st.
E. Nettleton av.	Tennessee st.	S. Main st.	Trezevant st.
S. Newell alley, E8	Williams av.	Walker av.	LaRose alley.
	1st e. of S. Wellington st.		
Oak st., G1	Chelsea av.	City limits	Oak st.
Oakview st., J8	Lamar av.	So. Railway	Oakview av.
Ohio av., A7	Arkansas st., w. 1st s. of W. Georgia av.		Leonard st.
Oklahoma av., B9	Pennsylvania st.	Riverside boul.	Mound av.
Oliver av., L8	S. McLean boul.	S. Cooper st.	Oliver av.
Olympic st., I1	Jackson av.	Vollentine av.	Olympic av.
E. Orgill p., I9	Wilson st.	Dunnivant st.	Orgill av.
N. Orleans st., F4	Madison av.	Poplar av.	N. Orleans st.
S. Orleans st., F6,9	Madison av.	Park Driveway	S. Orleans st.
Orphanage av., G2	N. Manassas st.	Ayres st.	Greenlaw st.

			STREET NAMES.
NEW NAME	FROM	TO	OLD NAME
Overton Park av., I3	N. Waldran boul.	N. McLean boul.	Lane av.
Overton Park av., K3	Decatur st.	N. Waldran boul.	Keho av.
Overton av., E3	N. Front st.	Bayou Gayoso	Overton st.
Park st., F1	Chelsea av.	City limits	Park st.
S. Pasadena pl., H5	Union av.	Vance av.	Stewart av.
Patton st., D9	Walker av.	Lucy av.	Patton av.
N. Pauline st., G4	Jefferson av.	Poplar av.	Cook av.
N. Pauline st., G3	Market av.	Peach av.	King st.
N. Pauline st., G5	Madison av.	Jefferson av.	Murray av.
S. Pauline st., G6	Union av.	Carr av.	Pauline st.
S. Pauline st., G5	Madison av.	Union av.	Bayliss av.
Peabody av., I6	East st.	S. Cooper st.	Peabody av.
Peach av., I3	Ayres st.	N. McLean boul.	Carnes av.
Peach av., H3	Decatur st.	N. Waldran boul.	Hicks av.
Pearce st., G1	Jackson av.	Chelsea av.	Pearce av.
E. Peligia alley, D3	N. Front st.	N. Courthouse alley	N. Jackson st.
Pennsylvania st., B7	River	W. Trigg av.	Pennsylvania av.
E. Peters pl., L6	S. Rembert st.	S. Cooper st.	Lenox av.
Peyton st., F2	L. & N. R. R.	Jackson av.	Bender st.
Peyton st., F2	Jackson av.	Saffarans av.	Peyton av.
Phelan av., F7	S. Orleans st.	Como st.	Phelan st.
S. Phillips pl., F9	E. McLeMore av.	E. Trigg av.	Phillips av.
Pickett st., K3	Along west side Overton Park		Park st.
E. Pidgeon alley, E4	N. Front st.	Bayou Gayoso	Alley n. of Jefferson st.
Pine st., I6	Union av.	Peabody av.	Pine av.
Piomingo av., E4	306 Madison av.	N. Lauderdale st.	Old Madison st.
S. Pioneer pl., B9	Wisconsin av.	Frisco Incline	Pioneer pl.
Polk av., F7	S. Lauderdale st.	East st.	Polk st.
Pond st., F9	E. McLeMore av.	E. Trigg av.	Pond st.
Pontotoc av., E6	River	S. Dunlap st.	Pontotoc st.
Poplar av., G4	River beyond city limits.		Poplar st.
Porter st., F8	Williams av.	Walker av.	Henrietta av.
Porter st., F7	Dixon av.	Williams av.	Porter st.
Promenade st., D2	Court av.	Auction av.	Promenade st.
Provine av., F7	Mississippi boul.	Louisa st.	Provine st.
Queen st., G4	Meriwether av.	Peach av.	Queen st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Race st., F9	E. McLemore av.	E. Trigg av.	Race st.
E. Radcliffe pl., H6	Woodward st.	S. Waldran boul.	Radcliffe pl.
E. Railroad av., E7	Florida st.	So. Railway	E. Broadway.
W. Railroad av., B7	Florida st.	River	W. Broadway.
S. Raine pl., I5	Madison av.	Union av.	Raine pl.
Randle st., I2	Jackson av.	Vollentine av.	Malcolm av.
Rayburn boul., D7	Beale av., beyond city limits		Rayburn av.
Rayner st., I8	N. C. & St. L.	E. McLemore av.	Rayner av.
Red Bud av., K1	Evergreen st.	May st.	Vine av.
E. Regent pl., F9	Orleans st.	Race st.	Regent pl.
S. Rembert st., L5	Union av.	Madison av.	Ferdinand av.
N. Rembert st., L5	Madison av.	Poplar av.	Ferdinand av.
S. Rembert st., L6	Union av.	Lamar av.	Rembert av.
Rhode Island av., A9 ...	Arkansas st.	Riverside boul.	Riley av.
Riverside boul., A8	Wisconsin av.	W. Kerr av.	Livermore av.
E. Robeson pl., F3	High st.	N. Manassas st.	Robeson st.
E. Rocky alley, E6	S. Lauderdale st.	S. Humphreys pl.	Rock alley.
Rodgers av., I8	Melrose st.	Rayner st.	Rodgers av.
Roland st., J8	Central av.	So. Railway	Brown av.
Roland st., J7	Harbert av.	Central av.	Roland av.
S. Ropers alley, H7	Lamar av.	So. Railway	Ropers alley.
S. Rosentine pl., H6	Carr av.	Lamar av.	Rosentine av.
Royster st., J4	Poplar av., n. 1st e. of N. Willett st.		Royster av.
Rozell st., J8	Central av.	So. Railway	Rozell av.
Rozell st., J6	Union av.	Harbert av.	Hollywood av.
Rozell st., J7	Harbert av.	Central av.	Annesdale av.
Rozell st., J9	Cayce av., s. 1st w. of Kyle st.		McLaurin av.
E. Ruth alley, E6	Driver st., w. 1st s. of Vance av.		Ruth alley.
E. Runnimeade pl., I4 ...	N. Claybrook st., e. 1st n. of Poplar av.		Runnimeade av.
E. Ryder pl., H8	S. Somerville st.	James st.	Ryder av.
Saffarans av., F2	River	Decatur st.	Saffarans st.
N. Sanderson alley, G4 ..	Mosby st.	E. Winfred alley	Sanderson alley.
S. Sales alley, B7	W. Virginia av., n. 1 e. of Arkansas st.		Sales alley.
S. Sanford pl., E6	E. Ruth alley, s. 1st e. of S. Wellington st.		Sanford st.
Sardis st., D9	Lucy st.	Park Driveway	Meriwether av.
Saxon av., G9	Neptune st.	College st.	Collins av.

NEW NAME	FROM	TO	STREET NAMES. OLD NAME
Saxon av., H9	Kimrough st.	Wilson st.	Idaho av.
Saxon av., H9	S. Somerville st.	S. Bellevue boul.	Laurel st.
Saxon av., F9	S. Orleans st.	Mississippi boul.	Moore av.
Saxon av., F9	Mississippi boul.	Neptune st.	Saxon av.
E. Schorr alley, C6	Tennessee st., e. 1st n. of E. Calhoun av.		Shelby av.
E. Scimitar alley, D4	S. Front st.	S. Wellington st.	Alley n. of Monroe st.
Seattle st., K8	Euclid av., s. 1st e. of Emmie st.		Laurel av.
S. Second st., D5	Madison av.	E. Calhoun av.	S. Second st.
S. Second st., C6	Beale av.	E. Calhoun av.	St. Martin st.
S. Second st., C6	E. Calhoun av.	E. Georgia av.	Lea st.
N. Second st., D4	Madison av., beyond city limits		N. Second st.
S. Second st., C6	E. Butler av.	E. Calhoun av.	Todd st.
S. Settles alley, F7	Phelan av.	Dixon av.	Phelan alley.
Seventh st., F1	Jackson av.	Chelsea av.	Seventh st.
Seventh st., F1	Chelsea av., beyond city limits		Randolph road.
Severson av., H8	S. Somerville st.	S. Bellevue boul.	Severson av.
N. Shanks pl., F2	Jackson av., n. 1st e. of Seventh st.		Shanks pl.
S. Shaw pl., F9	E. Jennette pl.	Saxon av.	Shaw av.
E. Shea alley, D3	N. Front st.	Bayou Gayoso	Alley n. of Poplar st.
S. Shirley pl., E5	Union av.	Beale av.	Shirley st.
S. Simmons pl., E7	Polk av.	E. Railroad av.	Simmons av.
Simpson av., E9	Latham st.	S. Wellington st.	Parker av.
Simpson av., E9	S. Wellington st., e. 1st s. of E. McLemore av.		Powell pl.
Simpson av., C9	I. C. R. R.	Y. & M. V. R. R.	Simpson av.
Simpson av., D9	Rayburn boul.	Latham st.	Simpson av.
Sixth st., E2	Auction st.	Chelsea av.	Sixth st.
Sledge av., G7	S. Dudley st.	S. Bellevue boul.	Sledge av.
S. Smith alley, D7	E. Carolina av., 1st w. of Rayburn boul.		Moore's alley.
N. Somerville st., H5	Madison av.	Jefferson av.	N. Somerville av.
S. Somerville st., H7	Lamar av.	So. Railway	Borland av.
S. Somerville st., H6	Union av.	Carr av.	Durant st.
S. Somerville st., H8	E. Railroad av.	E. McLemore av.	Elmwood av.
S. Somerville st., H5	Madison av.	Union av.	S. Somerville av.
Southern av., K9	Rayner st., e. along Southern Railway		Southern av.
Speed st., I1	Jackson av.	Vollentine av.	Lula av.
E. Stephens pl., F8	Mississippi boul.	S. Lauderdale st.	Stephens av.
S. St. John pl., E7	St. Paul av.	E. Georgia av.	St. John st.

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
St. Paul av., D6	S. Main st.	S. Wellington st.	Clay st.
St. Paul av., E6	S. Wellington st.	S. Lauderdale st.	Frazier st.
St. Paul av., F6	S. Lauderdale st.	Walnut st.	St. Paul st.
Strattman Town, D7	Rear No. 786 Rayburn boul.		Strattman's Hill.
Strattman Town, D7	Rear No. 286 E. Railroad av.		Yellow Bottom.
Summer av., F2	N. Dunscomb pl.	N. Manassas st.	Stanton st.
Summer av., I2	N. Manassas st., beyond city limits		Summer av.
Suzette st., F6	So. Railway	E. Georgia av.	Suzette st.
Suzette st., F7	E. Railway av., north, east of Walnut st.		Suzette st.
Swayne st., G1	Chelsea av., north		Swayne av.
Sycamore av., E2	River	Sixth st.	Sycamore st.
E. Tagg alley, E2	N. Front st.	N. Courthouse alley	Alley n. of Auction st.
Talbot av., C5	River	S. Second st.	Talbot st.
E. Talley pl., H9	Cummings st., e. 1st n. of E. Trigg av.		Grace av.
Tanglewood st., L7	Harbert av.	So. Railway	Tanglewood av.
Tate av., F6	S. Orleans st.	Walnut st.	Tate st.
Tennessee st., C5	Beale av.	W. Georgia av.	Tennessee st.
Texas st., C8	E. Calhoun av.	E. Kerr av.	Texas av.
E. Texas alley, C9	Florida st., e. 1st s. of E. McLemore av.		Texas alley.
N. Third st., D4	Madison st., beyond city limits		N. Third st.
S. Third st., D7	E. Georgia av.	E. Railroad av.	Dean av.
S. Third st., D6	Union av.	E. Georgia av.	Hernando st.
S. Third st., D4	Madison av.	Union av.	S. Third st.
S. Third st., D7	E. Railroad av.	E. Iowa av.	Preston av.
S. Third st., D8	E. Iowa av.	E. McLemore av.	Poston av.
Thomas st., F1	Chelsea av., beyond city limits		Thomas av.
N. Toil alley, E2	Auction av.	Chelsea av.	Fifth alley.
	Alley w. of Fifth st.		
E. Triangle alley, D7	West of Rayburn beul. and n. of E. Railroad av.		Triangle alley.
E. Trimble pl., L5	S. Diana st.	S. Cooper st.	Adams av.
E. Truth alley, F7	Como st.	McKinley st.	Dixon alley.
N. Tucker st., K5	Madison st.	Poplar av.	N. Tucker av.
S. Tucker st., K5	Madison av.	Union av.	S. Tucker av.
Turley st., E6	Vance av.	E. Butler av.	Echols st.
Turley st., E5	Beale av.	Pontotoc av.	Turley st.
E. Turner alley, F4	N. Front st.	N. Orleans st.	Al. n. of Washington st.

			STREET NAMES.
NEW NAME	FROM	TO	OLD NAME
S. Turbin alley, D7	E. Virginia av.	E. Iowa av.	Turbin pl.
W. Trigg av., B9	Florida st.	River	W. Trigg av.
Along southern city limits.			
E. Trigg av., F9	Florida st., e. along southern city limits	E. Trigg av.	
S. Tyson pl., C7	E. Railroad av.	E. Virginia av.	Michigan alley.
Union av., C4	S. Front st.	River	Howard Row.
Union av., I5	S. Manassas st.	S. Cooper st.	Union av.
Union av., F5	S. Front st.	S. Manassas st.	Union st.
Utah av., B9	Kansas st.	Riverside boul.	Meacham av.
Vance av., F6	River	S. Watkins st.	Vance st.
Vesey av., J8	Rozell st.	Eddie st.	Vesey av.
E. Via pl., H2	Breedlove st., w. 1st n. of Jackson av.	Via pl.	
Vinton av., L6	S. Rembert st.	S. Cooper st.	N. Harbert av.
Vinton av., I6	S. Bellevue boul.	S. Willett st.	Vinton pl.
E. Virginia av., C7	Florida st.	S. Third st.	E. Virginia av.
W. Virginia av., B7	Florida st.	River	W. Virginia av.
S. Wagner pl., C5	Union av.	E. Butler av.	Clinton st.
N. Waldran boul., H3	Poplar av.	Jackson av.	Waldran av.
N. Waldran boul., H4	Madison av.	Poplar av.	N. Freeman av.
S. Waldran boul., H5	Madison av.	Union av.	S. Freeman av.
S. Waldran boul., H6	Union av.	E. Agnes pl.	Virginia st.
Walker av., F8	I. C. Shops	S. Cooper st.	Walker av.
Walnut st., F6	Union av.	E. Railroad av.	Walnut st.
S. Wallace pl., D7	E. Iowa av.	E. Long pl.	Wallace av.
Washington av., I4	N. Claybrook st.	N. McNeil st.	Adams st.
Washington av., F4	River	N. Waldran boul.	Washington st.
N. Watkins st., I4	Madison av.	Poplar av.	N. Garland av.
S. Watkins st., I5	Madison av.	Union av.	S. Garland av.
N. Watkins st., I1	Poplar av.	Vollentine av.	Watkins av.
S. Watkins st., I6	Union av.	Peabody av.	Rayner av.
E. Waverly pl.	S. Rembert st.	Castalia st.	Waverly pl.
S. Weaver pl.	E. McLemore av., s. 2 e. of Mississippi boul.	Weaver pl.	
E. Webb alley, E5	S. Lauderdale st., w. 1st s. of Union av.	Webb alley.	
S. Webster alley, D7	Webster av., s. 1st e. of S. Second st.	Short Webster st.	

STREET NAMES.

NEW NAME	FROM	TO	OLD NAME
Webster av., D7	S. Main st.	S. Wellington st.	Webster st.
N. Wellington st., E4	Madison av.	Piomingo av.	N. Wellington st.
S. Wellington st., E8	Walker av.	E. McLemore av.	LaBelle pl.
S. Wellington st., E9	E. Calhoun av.	E. Kerr av.	LaRose st.
S. Wellington st., E5	Madison av.	Mississippi boul.	Wellington st.
N. Werner pl., F1	E. Bender pl.	Vollentine av.	Werner st.
E. Whitford pl.	S. Phillips pl., e. 1 n. of E. Trigg av.		
Wicks av., E8	S. Wellington st.	Mississippi boul.	Wicks av.
S. Wilkerson pl., F6	Tate av.	E. Georgia av.	Wilkerson st.
N. Willett st., J4	Poplar av.	Galloway av.	Lake av.
N. Willett st., J5	Court av.	Poplar av.	Wellford av.
N. Willett st., J5	Madison av., property line		N. Ingleside av.
S. Willett st., J7	Harbert av.	Central av.	Fairview av.
S. Willett st., J5	Madison av.	Union av.	S. Ingleside av.
S. Willett st., J6	Union av.	Harbert av.	Harris av.
S. Willett st., J9	So. Railway, beyond city limits		Ragan av.
S. Willett st., J7	Central av.	So. Railway	Willett av.
E. Willingham pl., K3	N. McLean boul.	Overton Park	Willingham pl.
Willoughby st., E8	Walker av.	E. McLemore av.	Southland av.
First alley w. of S. Wellington st.			
Willoughby st., E8	E. Iowa av.	Walker av.	Willoughby av.
Willoughby st., E9	E. McLemore av.	Simpson av.	Williams pl.
Williams av., F8	S. Wellington st.	Neptune st.	Williams av.
Wilson av., I9	Walker av.	E. McLemore av.	Arizona av.
Wilson av., I8	E. Heistan pl.	So. Railway	Mansfield av.
Wilson av., I9	E. McLemore av.	Park Driveway	Wilson av.
Winchester av., E3	River	Winchester av.	Winchester st.
Winchester av., E3	N. Marsh Miller pl.	L. & N. R. R.	Quinby st.
E. Winfred alley, G3	N. Dunlap st.	Ayres st.	Winfred av.
Wisconsin av., B8	Kansas st.	River	Division st.
Wood st., E7	E. Carolina av.	E. Railroad av.	Woods av.
Wood st., E7	E. Georgia av.	E. Carolina av.	Wright alley.
Woodlawn st., F2	Jackson av.	Chelsea av.	Ewing av.
Woodlawn st., F1	Chelsea av., beyond city limits		State st.
Woodlawn st., F2	Jackson av.	Saffarans av.	Woodlawn av.
Woodward st., H7	Lamar av.	So. Railway	Woodward av.
Wright st., D7	E. Georgia av.	E. Railroad av.	Wright av.

TICKET BROKERS OR SCALPERS.

NEW NAME	FROM	TO	OLD NAME
York av., K7	S. Willett st.	S. Cooper st.	York av.
Young av., L8	S. McLean boul.	S. Cooper st.	Young av.

Sec. 1071. That there shall be published as a bulletin of the Engineering Department 5,000 copies of this ordinance in pamphlet form, accompanied by a suitable map. Said copies shall be distributed gratis to all citizens calling for same at the office of the City Register.

Sec. 1072. That hereafter when the City of Memphis shall acquire any street or other thoroughfare by purchase or dedication it shall be officially known by the name assigned to it by the City Engineer, and when the City Engineer shall assign a name to a thoroughfare he shall report such action to the Legislative Council, giving the name and description of the thoroughfare so designated.¹

ARTICLE 53.

TO PREVENT INDISCRIMINATE SCALPING.

Sec. 1073. All persons, firms or corporations engaged in Privilege tax. the business of railroad ticket brokers or scalpers in the City of Memphis shall be required to take out a license for each place of business, and shall pay as a tax the sum of \$75. This license shall be good for the calendar year in which it is issued, subject to the conditions hereinafter stated, and shall not be transferable.

Sec. 1074. It shall be unlawful for any person engaged in the No drummers. business of railroad ticket broker or scalper to have any one calling out his business upon any street of the City of Memphis, in front of his place of business or elsewhere, or to solicit for said agency on the property of any railroad within the limits of the City of Memphis.

¹ Sections 1064 to 1072 passed November 30, 1906.

TICKET BROKERS OR SCALPERS.

Spurious
tickets.

Sec. 1075. It shall be unlawful for any broker licensed under this ordinance to sell any railroad ticket or contract for transportation of any railroad company which shall have been altered, forged or counterfeited.

Certificate to
purchaser.

Sec. 1076. Persons, firms or corporations conducting said business of railroad ticket brokers or scalpers, shall be required to give a certificate to every purchaser of a ticket, stating the date upon which said ticket was sold, starting point, and the destination of ticket, and the amount paid for it, and it shall be signed by such broker, or some one in his office representing him.

Bond.

Sec. 1077. No broker's license shall be issued to any broker or brokers dealing in railroad tickets until the person or persons applying therefor shall have filed with the City Secretary, and by him approved, a bond with two or more good and sufficient securities, in the sum of \$3,000, which bond shall be payable to the City of Memphis, and be to the effect that the said railway ticket broker will refund to the purchaser, or the purchaser's agent, the money paid to said railway ticket broker for any ticket that shall be rejected or declared not good by the company's agents for a passage on the railway or steamboat for which said broker sold such ticket; *provided*, that all such ticket brokers shall furnish the buyer with a schedule describing the number and kind of ticket signed by the seller's name.

Sec. 1078. Any purchaser or purchasers of tickets who have sustained any loss by reason of the sale to him of a rejected ticket shall be allowed to sue upon the bond, filed with the Secretary, in the name of the City of Memphis, for his use and benefit, for such loss as he has sustained; *provided*, said purchaser or purchasers shall give a bond relieving the city from any cost of suit.

SMALLPOX REGULATIONS.

Sec. 1079. This ordinance shall apply to all parties who have already taken out, or may hereafter take out, a license for the sale of railway tickets.

Sec. 1080. *Be it further enacted*, That every person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$5 nor more than \$50, and each day's failure to comply with any section of this ordinance shall constitute a separate offense.¹ Violation a misdemeanor.

ARTICLE 54.

SMALLPOX ORDINANCE.

Sec. 1081. The Board of Health of the city is hereby empowered to declare, by resolution, when any houses, blocks or districts within the city, or within one mile thereof, are infected with smallpox contagion or liable to become so infected, and to set forth in such resolution the location of such houses, and the boundaries of such blocks or districts. Infected district.

Sec. 1082. When such resolution is passed by the Board of Health, it shall be the duty of all persons residing in the houses, blocks or districts so designated in said resolutions, who have not been successfully vaccinated to cause themselves to be vaccinated at once, and to provide themselves with the certificate of a reliable physician that such person has been successfully vaccinated, and the date thereof, or that such person has been so often and carefully vaccinated as to prove further vaccination unnecessary, and said certificate shall be produced when called for by any officers of the health or police departments; and all parents or guardians of children found within such house, block or district shall cause their children or wards to be vaccinated. Vaccination.

Any person residing, or found, within any house, block or district declared by the Board of Health to be infected, or subject Violation.

¹ Sections 1073 to 1080 passed April 8, 1901.

PUBLICATION OF ORDINANCES.

to infection, and who, at the expiration of five days after the passage of said resolution, shall have failed to be vaccinated, shall be guilty of a misdemeanor, and fined not less than \$2 nor more than \$50 for each offense. And, furthermore, said person shall submit to compulsory vaccination by any health officer or physician designated for that purpose by the President of the Board of Health, and all children shall be subject to compulsory vaccination.

Misdemeanor.

Any person who refuses to be vaccinated as herein required, or resists compulsory vaccination, shall be guilty of a misdemeanor, and shall be fined not less than \$2 nor more than \$50 for each offense.

ARTICLE 55.

Sec. 1083. *Be it ordained by the Legislative Council of the City of Memphis, Tennessee,* That the publication of a notice of the adoption of an ordinance for the improvement of a street under Section 4 of Chapter 341 of the Acts of 1907, shall be and constitute a sufficient notice of the passage of said ordinance by the Legislative Council.

Sec. 1084. Ordinances passed pursuant to Section 9 of Chapter 341 of the Acts of 1907, providing for the issuance of certificates of indebtedness or bonds, shall be published once.

Sec. 1085. All other ordinances passed by the Legislative Council shall be published twice.

Sec. 1086. *Be it further ordained,* That all ordinances in conflict with this ordinance be hereby repealed.¹

¹ Sections 1083 to 1086, inclusive, passed December, 1908.

SELL REAL ESTATE FOR TAXES.

ARTICLE 56.

AN ORDINANCE To provide for the sale of real estate in the City of Memphis for city taxes or assessments levied under Chapter 341 of the Acts of 1907, commonly called the front foot assessment law.

Sec. 1087. All real estate in the City of Memphis upon which city taxes or front foot assessments have been levied by ordinance, under Chapter 341 of the Acts of 1907, and are delinquent, and a lien exists to secure the same, shall be sold for said city taxes or assessments in accordance with the provisions of Sections 50 to 66, inclusive, of Chapter 602 of the Acts of the General Assembly of the State of Tennessee for the year 1907, and the proceedings with regard to notices, terms, penalties, costs and in all other respects shall be those provided for in said sections.

Property sold
for delinquent
front foot
assessments.

Sec. 1088. The sales of land for said city taxes or assessments shall be made in the year next following the year for which the taxes or assessments are levied.

Sale—when to
be made.

Sec. 1089. The sales and remedies for the collection of said city taxes or assessments herein provided for shall in no way affect other remedies for the enforcement of said city taxes or assessments, as provided and set forth in said Chapter 341 of the Acts of 1907.²

Not to affect
other
remedies.

ARTICLE 57.

AN ORDINANCE To provide for the sale of real estate in the City of Memphis for city taxes.

Sec. 1090. All real estate in the City of Memphis upon which taxes are delinquent and a lien exists to secure the same, shall be sold for the said taxes, in accordance with the provisions of

To sell
property for
delinquent
taxes.

² Sections 1087 to 1089, inclusive, passed June 15, 1908.

NORTH MEMPHIS PUMPING STATION.

Sections 50 to 66, inclusive, of Chapter 602, of the Acts of the General Assembly of the State of Tennessee for the year 1907, and the proceedings with regard to notices, terms, penalties, costs and in all other respects shall be those provided for in said sections.

Sec. 1091. That the sales of land for city taxes shall be made in the year next following the year for which the taxes were levied.³

ARTICLE 58.

PUMPING STATION.

AN ORDINANCE Increasing the tax levied for the purpose of constructing levees, pumping station, etc., in North Memphis, being an amendment of an ordinance passed Oct. 1, 1904.

Preamble.

Whereas, By virtue of authority conferred by Chapter 557 of the Acts of the General Assembly of the State of Tennessee, at its session of 1903, an ordinance was passed by the Legislative Council of the City of Memphis, on October 1, 1904, levying a tax of thirty-five (35) cents on each \$100 of taxable property in the City of Memphis, for the purpose of providing funds with which to construct levees and pumping stations in North Memphis, protect the city from the overflowing of Bayou Gayoso and the Mississippi River; and

Whereas, The said levy of 35c was to be collected as follows, to-wit: 15c in 1905, 15c in 1906, and 5c in 1907; and

Whereas, It is now ascertained that the taxes collected and to be collected under said levy of 35c will be insufficient to complete said levees, etc.; and

Whereas, The aforesaid act of 1903 authorized a levy of not exceeding 50c for the purposes aforesaid:

Now, therefore, be it ordained by the Legislative Council of the City of Memphis, That there is hereby levied on all taxable

³ Sections 1090 and 1091 passed June 15, 1908.

NORTH MEMPHIS PUMPING STATION.

property within the limits of the City of Memphis to be assessed for city purposes for the year 1907, an additional tax of 5c on the \$100 of said taxable property, said additional tax of 5c to be collected in the year 1907, at the same time and in the same manner as other city taxes, making a total of 10c on the \$100 to be collected in the year 1907 for the purposes aforesaid, and a total of 40c on the \$100 for the three years 1905, 1906 and 1907, levied in pursuance of said act of 1903 for the purposes of constructing levees, pumping stations, etc., in North Memphis.

Whereas, The Bank of Commerce and Trust Company has from time to time advanced to the City of Memphis sums of money aggregating \$201,780.13, in anticipation of the collection of the taxes levied for the purpose of constructing levees and pumping stations in North Memphis; and

Whereas, In addition to the sums already expended in the construction of such levees, etc., there will be required to complete such work a further sum of about \$25,000; and

Whereas, The Bank of Commerce and Trust Company has offered to advance the sum of \$25,000 in addition to the sum already advanced in anticipation of the collection of the taxes levied for the purpose aforesaid, such additional advancement to bear interest from its date until paid at the rate of 5 per cent. per annum, on condition that all such taxes collected and to be collected for the purpose aforesaid be pledged to secure the payment both of the additional advancement to be made and also all advancements heretofore made by said Bank of Commerce and Trust Company, together with interest thereon;

Sec. 1092. *Therefore, be it resolved*, That the offer of said Bank of Commerce and Trust Company to advance the additional sum of \$25,000 on the terms aforesaid be and the same is hereby accepted; that all taxes, collected and to be collected, now levied or hereafter to be levied under the aforesaid Chapter 557 of the Acts of the General Assembly of Tennessee of 1903, be and the

NORTH MEMPHIS LEVEE.

same are hereby pledged to the Bank of Commerce and Trust Company to secure the payment, with interest, of all sums heretofore by it advanced, and hereafter by it to be advanced to the City of Memphis in anticipation of the collection of the aforesaid taxes; that such future advancement by said Bank of Commerce and Trust Company be made on orders similar to those on which such former advancements have been made; that the funds arising from said taxes be paid to said Bank of Commerce and Trust Company in satisfaction of the indebtedness to be incurred hereunder as soon after the collection of such taxes as may be practicable, and the City Tax Collector is hereby authorized and directed to pay the same to said Bank of Commerce and Trust Company in accordance herewith; that the indebtedness hereby created shall not constitute a general liability against the City of Memphis, but that the same shall be a charge against and collectible out of said special taxes levied under the above mentioned act of the General Assembly, and no other whatever.

Passed final reading Thursday, June 7, 1906.

ARTICLE 59.

NORTH MEMPHIS LEVEE ORDINANCE.

Preamble.

Whereas, the General Assembly of the State of Tennessee, at its biennial session of 1903, Chapter 556, page 1493, authorized the City of Memphis to build and maintain a levee or levees along the river front and Bayou Gayoso, and to build and equip pumping stations, dams, reservoirs, wells and locks for the purpose of protecting itself, its streets, property and sewer system, and in order to continue the efficiency of said sewer system so that the city may be enabled to properly provide for equipping the sewerage and surface drainage of the said city during high water into the Mississippi or Wolf River, and to that end so amended a bill "to establish Taxing Districts in this State and to provide the means of local government of same," being Chapter 11 of the Acts of 1879, and "authorized and empowered the said city, when

it shall deem it necessary for all said purposes, to take private property and condemn the same for said purposes according to the manner now provided by law, an ordinance for the condemnation of property for public use; and

Whereas, it is now deemed necessary and highly important that the work contemplated by said act be commenced at once; and

Whereas, in furtherance of said purpose, it is necessary to levy a tax by ordinance:

Sec. 1093. *Be it therefore ordained by the Legislative Council of the City of Memphis*, That there is hereby levied on all taxable property, real and personal, including merchants' capital and all others who are assessed for taxes *ad valorem*, and capital invested in bank stock, and all other stock subject to taxation within the limits of such Taxing District or City of Memphis, a tax of 35 cents on the \$100 of such taxable property, of which said 35 cents 15 cents on the \$100 shall be paid at the same time as other city taxes are collected and paid in the year 1905, and 15 cents on the \$100 shall be paid and collected at the same time as other municipal taxes in the year 1906, and 5 cents on the \$100 shall be paid and collected at the same time as other municipal taxes in the year 1907.

Sec. 1094. *Be it further ordained*, That the said installments of city taxes hereby provided for shall be collected at the same time and in the same manner and by the same officers as the other taxes imposed by or for such city or Taxing District, with like liens and remedies for the collection and non-payment thereof, upon the same assessment and valuation as may exist for taxes for other municipal purposes, and that the proceeds of this tax levy shall be expended solely for the purposes set forth in said act, being Chapter 556 of the Acts of 1903, and for no other purpose.

CANCELLATION OF OLD CITY TAXES.

Sec. 1095. *Be it further ordained*, That the Board of Fire and Police Commissioners of the City of Memphis are hereby fully authorized and empowered to anticipate any or all of the tax levy hereby created, and borrow money upon the faith of such tax levy, and power is hereby vested in such Commissioners to make such contracts and agreements for the anticipation of said taxes and repayment thereof, together with interest at a rate not exceeding 5 per cent. per annum, and the Legislative Council of the City of Memphis now pledges and hypothecates all of the proceeds of said tax levy for the repayment of any and all sums that may be borrowed as above provided, together with interest thereon, and the Tax Receiver of the City of Memphis is hereby directed to devote all collections of said tax levy first to the repayment of any and all sums so borrowed, together with interest thereon, and the Board of Fire and Police Commissioners are fully authorized and empowered to make all contracts and agreements with respect to the anticipation of said taxes and the repayment of any moneys borrowed, the same to be paid by the Tax Receiver upon the warrant of the said Commissioners as other city funds, with interest thereon, that may be deemed necessary and expedient by said Commissioners.

Passed final reading Saturday, October 1, 1904.

ARTICLE 60.

CANCELLATION OF OLD CITY TAXES.

Suits to be
dismissed.

Whereas, The Legislature has authorized the City of Memphis to cancel certain delinquent taxes due the old City of Memphis prior to its abolition on January 29, 1879; and,

Whereas, Substantially all of the taxes legally due said extinct municipality have been paid and the larger part of the taxes standing upon the books as delinquent is uncollectible on account of errors, insolvencies and double assessments, and the maintenance of said delinquent taxes upon the city's tax books is a source of great trouble and expense to the citizens.

CITY LABORERS, HOURS AND WAGES.

Sec. 1096. *Therefore, Be it ordained by the Legislative Council of the City of Memphis,* That all taxes now standing upon the tax books for years prior to 1879, as due the old City of Memphis, the charter of which was repealed on January 29, 1879, be and the same are hereby relinquished and canceled, and all suits or proceedings brought or pending for their collection are now ordered to be dismissed, on condition that defendants in those bills pay the costs accrued against them, respectively.¹

ARTICLE 61.

HOURS AND PAY OF LABORERS IN EMPLOY OF CITY.

Sec. 1097. Eight hours shall constitute a legal day's work for all laborers and mechanics employed by the city on any municipal work. Legal work
day.

Sec. 1098. This ordinance shall apply to all labor employed by contractors, who may be doing work for the city under contract.

Sec. 1099. Common laborers shall be paid at the rate of one dollar and fifty cents (\$1.50)² per day of eight hours on all municipal work, whether done by the city directly or by other parties under contract with the city. And where mechanical work is done, either directly for the city, or by other parties under contract with the city, the standard rate of wages of the trades so employed shall be guided, and no less rate shall be paid. And all employes, whether working directly for the city, or for contractors doing work for the city, shall be residents of Memphis, unless it shall be found impossible or impracticable to obtain such labor in the city. Wages.

¹ Section 1096. The words following the word "dismissed," amendment of October 21, 1901. Balance of section passed July 30, 1901.

² By resolution passed April 4, 1907 (Minute Book "A," Board of Public Works) wages of "Street Cleaning Gang" raised to \$2 per day; also wages of "Street Construction Gang," on petition for increase, left to the discretion of the City Engineer. See Minute Book "A," Board of Public Works, page 483.

STREET COMMISSIONER.

Overtime.

Sec. 1100. Nothing in this ordinance shall be construed as prohibiting (on occasions of necessity) the working of laborers or mechanics for more than eight hours per day; but in every such instance they shall receive extra pay during daylight at the same rate per hour as may be paid for a regular day's work, and for all night and Sunday work they shall be paid one and one-half ($1\frac{1}{2}$) times the regular rates, or 50 per cent. advance.

Sec. 1101. This ordinance shall not apply to the Police, Fire, Sanitary, Hospital, Market House, Board of Health and Garbage Departments, or the Street Sweeping force, or to any employe of the city who may be employed by the month.

Bids on
public work.

Sec. 1102. All advertisements for bids on public work shall contain a notice that all bids must be made and all work must be done under the conditions and provisions of this ordinance.

Misdemeanor.

Sec. 1103. Any successful bidder for public work violating the provisions of this ordinance shall be guilty of a misdemeanor for each and every offense, and shall be fined not less than \$5 nor more than \$50 and the employment of each laborer each day in violation of this ordinance shall constitute a separate offense. The contractor's bond shall also contain a provision binding him to the observance of this ordinance.¹

ARTICLE 62.

STREET COMMISSIONER.

Term of
office.

Sec. 1104. *Be it ordained*, That under and in pursuance of the act of January 28, 1899, being Chapter No. 66, the term of office of the Street Commissioner of the City of Memphis shall be two years, the first term commencing January 1, 1900, and expiring December 31st, 1902. The Street Commissioner shall hold office until his successor is elected and qualified.

¹ Sections 1097 to 1103 passed July 30, 1901.

STREET COMMISSIONER.

Sec. 1105. Hereafter the Street Commissioner shall be an officer ^{Powers and duties.} of the Engineering Department, and such Commissioner shall be under the general direction of the City Engineer. His powers and duties as such Street Commissioner shall be as follows:

First. He shall have the direction of the sweeping and cleaning of the streets, and he shall have charge of the street sweeping machines, and all the facilities used for cleaning streets.

Second. He shall have charge of all dirt streets, and it shall be his duty to round up, repair and maintain dirt streets in proper condition.

Third. It shall be his duty to clean and keep open all gutters of all streets of the city, and to clean and keep open all culverts and boxes under streets or alleys.

Fourth. The Street Commissioner shall have charge and control of the repairing of all gravel streets.

Fifth. It shall be the duty of the Street Commissioner to inspect the feed purchased for the stables, and he shall have full charge and control of the city stables.

Sixth. The Street Commissioner shall have charge of opening and grading of new streets, unless the work shall be done otherwise under order of the Mayor.

Seventh. It shall be the duty of the Street Commissioner to inspect all railroad crossings, and see that the railroads of the city comply with the ordinances of the city and all contracts between the city and such railroads with respect to street crossings, and in case such crossings are not maintained as provided by ordinance or contract, the Street Commissioner shall have the power to order the railroad company so in default to do the necessary work, and he is hereby vested with the power to enforce such order by instituting proper legal proceedings through the City Attorney.

Eighth. It shall be the duty of the Street Commissioner to ^{Monthly reports.} make a monthly report to the City Council, setting forth the

STREET SPRINKLING.

work done by him during the past month, and making such recommendations for future work as he may deem proper.

Bonds. Sec. 1106. Before entering upon his duties the Street Commissioner shall give bond, payable to the City of Memphis, conditioned upon the faithful discharge of his duties, said bond to be in the penalty of \$2,500.

Salary. Sec. 1107. During the term of office expiring December 31st, 1902, the Street Commissioner shall receive as compensation \$2,000 per year, same to be paid in monthly installments.¹

ARTICLE 63.

STREET SPRINKLING BY STREET CARS AND OTHER VEHICLES.

Sprinkle
tracks. Sec. 1108. The owners of all street cars and other vehicles which move continuously over the streets of the city, and where the tracks, running gear or bodies of said cars or vehicles are within eighteen inches of the surface of the street, shall cause the tracks and portions of the streets used or passed over by said cars or vehicles and a space of two feet on each side of the tracks, or portions of the street passed over by such cars or vehicles, to be kept at all times clear and free of dust by sprinkling the same with water, and such sprinkling shall be done as often and at such times as may be necessary to accomplish the purpose aforesaid.

Penalty. Sec. 1109. Any person, firm or corporation who shall fail to comply with this ordinance after the 15th day of April, 1900, shall be guilty of a misdemeanor, and shall be fined not less than \$5 nor more than \$50 for each offense, and each day's failure to comply with the requirements of this ordinance shall constitute a separate offense.

¹ The salary of the Street Commissioner is fixed by resolution every two years prior to his election.

PARK COMMISSION

ARTICLE 64.

PARK COMMISSION.

Sec. 1110. By virtue of the authority conferred by the act Election.
of March 31, 1899, Chapter 142, there is hereby established a
Park Commission, which shall consist of three members, who
shall be elected by the Legislative Council. At the first election
one of said Commissioners shall be elected for two years, one
for four years and one for six years. At the expiration of their
respective terms of office their successors shall be elected for a
term of six years.

Sec. 1111. No member of the Legislative Council, and no per- Qualification
son officially connected with the city government, shall be eligible of members.
as a member of the Commission, and all the members thereof
shall have resided within the present limits of the city for five
years preceding their election.

Sec. 1112. The members of said Commission shall be selected
for their integrity, their public spirit and their business ability;
they shall serve without compensation of any character.

Sec. 1113. Before entering upon their duties each of said Com- Bond.
missioners shall give a bond payable to the city in the penalty
of \$5,000, conditioned for the faithful discharge of their duties;
and they shall take an oath before the Mayor to faithfully per-
form the duties of their office, and that they will not become
interested, directly or indirectly, in any contract or purchase
made in or about the acquirement, improvement or maintenance
of the public parks of the city.

Sec. 1114. At the first meeting of said Park Commissioners, Chairman.
the members thereof shall elect one of their number to be the
Chairman of the Commission.

The term of office of such Chairman shall be for two years,
or until his successor is elected.

PARK COMMISSION.

Meetings. Sec. 1115. The Park Commission shall hold one regular meeting each month; said monthly meeting to be held in the City Hall at 2 o'clock on the afternoon of the Tuesday after the first Monday¹ of each month. Special meetings may be called by the Chairman at any time upon due notice to the other members.

The Mayor shall provide a suitable room for the meeting of the Commission. At such meetings the Chairman shall preside and preserve order.

Secretary. Sec. 1116. The Park Commission shall elect the Secretary of the Park Commission for such term as said Commission may fix, or at the will and pleasure of the Commission, and his salary shall be fixed by said Commission. He shall be present at all meetings of its members and shall keep a full record of the proceedings in a well-bound book, and shall perform such duties as the Commission may direct.¹

Park lands. Sec. 1117. It shall be the duty of said Park Commission to acquire, in the name of the city, such suitable tracts of land as are best adapted for public parks, where the people may go for recreation and pleasure; said land may be acquired by negotiation or condemnation.

Park bonds. Sec. 1118. The necessary ordinance providing for the issuance of bonds shall be enacted by the Legislative Council. The Council shall make the necessary appropriation to pay the interest on said bonds annually, and also a sum sufficient to maintain and improve the same; and the Commission shall report to the Council every six months an estimate of the amount needed for interest, improvement and maintenance.

Sec. 1119. No land shall be bought or contracted for without the consent of the Legislative Council. The Commission

¹ Amendment passed July 8, 1909.

PARK COMMISSION—FORREST PARK.

shall carry out the necessary financial arrangements for the purchase and improvement of park lands. If they determine to issue park bonds, under the act of the Legislature aforesaid, they may, with the sanction of the Legislative Council, advertise said bonds and sell same to the highest bidder.

Sec. 1120. Said Park Commission shall have full and complete control of the tracts of land acquired by them for park purposes, and they shall also have control of the following public parks: Bickford Park, Gaston Park, Forrest Park, Confederate Park, Market Square, Winchester Park, and the square between Monroe street and Howard's Row, on the river front.

Parks
controlled.

Sec. 1121. It shall be their duty to improve and beautify these parks as rapidly as the resources at their command will permit. They shall have power to employ a consulting landscape engineer to aid them in the selection, laying out and improvement of parks, and after the plans for the laying out and improvement of said parks have been matured, the City Engineer shall, under the direction of the Park Commission, furnish the necessary labor and material, and superintend the carrying out of the orders of the Commission. But the labor and material furnished by the Engineering Department in any one year shall not exceed the appropriation for park purposes made for that year.

Improve
parks.

Sec. 1122. The Park Commission shall have the power to employ park keepers, but they shall give the preference to former employes of the city, who have been honorably discharged on account of age or other physical infirmity.

ARTICLE 65.

BEDFORD FORREST PARK.

Sec. 1123. *Whereas*, By the third section of the act passed February 6, 1895, the Legislative Council was given the power to convert the grounds formerly occupied by the City Hospital

PARK COMMISSION—GASTON PARK.

into a public park, or devote the same to any other municipal purpose the Council might see fit; and,

Boundaries. *Whereas*, All the buildings have now been removed from said grounds; *Therefore, be it ordained by the Legislative Council of the City of Memphis*, That the grounds bounded on the north by Madison street, on the east by Dunlap street, on the south by Union avenue, and on the west by Manassas street, and formerly known as the Memphis Hospital Grounds, are hereby constituted and established a public park of the City of Memphis, to be known as "Bedford Forrest Park" in honor of our distinguished hero, Gen. N. B. Forrest.

Improvement fund. Sec. 1124. The Board of Fire and Police Commissioners are hereby authorized to expend out of any funds available, and not heretofore appropriated, a sum not exceeding \$10,000 in the improvement and beautifying of said "Bedford Forrest Park."

Statue. Sec. 1125. The historical societies and the citizens of Memphis generally are invited to erect in said park a statue of Gen. Bedford Forrest.

ARTICLE 66.

GASTON PARK.

Gift accepted. Sec. 1126. The tract of land given and granted to the City of Memphis by Mr. John Gaston, by deed dated February 8, 1900, and recorded in Book 280, page 109, is hereby accepted by the city, and the city obligates itself to the fulfillment of the conditions imposed upon it in said deed, and the execution of said deed by the Mayor in the name of the city is hereby ratified and confirmed.

Name. Said tract of land is hereby constituted a public park of the City of Memphis, and the same is now named and shall be henceforth known as Gaston Park.

PARK COMMISSION—PARKWAYS

Sec. 1127. The Board of Fire and Police Commissioners, and Improvement.
any park commission hereafter established, shall, as soon as practicable, commence the improvements of said tract of land, and take such steps as are practicable to render said land suitable for a public park.

ARTICLE 67.

PARKWAYS.

Sec. 1128. That the Park Commission be and is hereby authorized to obtain, establish and construct a system of parkways or boulevards in and around the City of Memphis, and said Commission to have full and complete control over said parkways and boulevards. Park Commission to establish parkways.

Sec. 1129. Said Commission shall have the power to purchase, by private negotiation, or acquire by condemnation, the necessary lands and property for the establishment and construction of said parkways and boulevards, and is hereby authorized to institute and prosecute, in the name of the city, such condemnation suits as may be necessary. Condemnation of right-of-way.

Sec. 1130. Said Park Commission shall have the same authority and control of said parkways and boulevards as has heretofore been given them over the several parks of the city.¹ Control of parkways.

ARTICLE 68.

(Passed March 4, 1909.)

AN ORDINANCE To regulate and control the use of parks and parkways in the City of Memphis and to declare certain acts therein to be misdemeanors.

Sec. 1131. *Be it ordained by the Legislative Council of the City of Memphis,* That it shall be a misdemeanor for any person or persons to commit the following acts, to-wit:

¹ Sections 1128 to 1130, inclusive, passed November 5, 1903.

RULES FOR PARKS AND PARKWAYS.

- | | |
|-----------------------------------|---|
| To injure trees, plants, etc. | 1. To cut, break or in any way injure or deface any tree, plants or grass; pick any flowers, leaves, nuts, wild or cultivated, or carry flowers through the parks. |
| Paper and refuse. | 2. To throw or leave any paper, refuse or rubbish on any of the lawns or walks. |
| Peddling in parks. | 3. To expose any article for sale or exhibition, unless previously licensed by the department of parks therefor. |
| Post bills, erect platforms, etc. | 4. To post any bill, placard, notice or other paper upon any structure. To erect any structure, stand or platform, or hold any meetings without previous permission therefor from the Commissioners. |
| Insulting language, etc. | 5. To use threatening, abusive or insulting language, or commit any obscene or indecent act thereon, or any act tending to a breach of the public peace. |
| Vehicle for hire, etc. | 6. To stand any coach, carriage, wagon, cart or other vehicle for hire without previous license, and then only at such place as shall be indicated and allowed by the Commissioners. |
| Stock in parks. | 7. To allow to go at large any horse or other animal, except that dogs may be allowed therein when led by a chain or proper dog-string not exceeding six feet in length. |
| Pond or lakes. | 8. To bathe or fish in any of the waters or fountains, or cast any substance therein, or disturb or interfere in any way with the fish, birds or animals within such public parks, parkways, squares or places. |
| Miscellaneous. | 9. To throw stones or other missiles, or beg or publicly solicit subscriptions or contributions, or tell fortunes, or play games of chance, or make any harangue, or climb upon any wall, fence, shelter, seat, statue or other erection. |

RULES FOR PARKS AND PARKWAYS.

10. To drive any automobile, horseless or other vehicle upon Speed limit.
or over the drives at a greater rate of speed than eight miles an
hour.

11. To stop any automobile or other vehicle near any of the Automobiles.
music stands or other places, in or about any of the parks, park-
ways, plazas, concourses, circles or squares, where any number
of persons are accustomed to congregate, or where such vehicles
would be a source of danger to life and limb, except at such places
as are designated by the Commissioners.

12. To carry garbage, ashes, manure, coal, stone and other Garbage carts.
material over any of the parkways or through such parks, circles,
squares or concourses, except when such is to be removed from
or delivered to residences fronting on any of the above park-
ways, etc., the vehicle collecting or delivering such material
must leave the parkway as soon as such work is accomplished.

13. To fire or carry any firearms, firecrackers, torpedo or Fire arms, etc.
fireworks, or make a fire, or make any oration, or conduct any Public
religious or other meeting or ceremony within any of the parks, gatherings.
parkways, squares or places without special permission from the
Commissioners.

14. To enter or leave the parks except at the established Entrances to
entranceways; or enter or remain therein after 12 o'clock at parks, etc.
night, except as, on special occasions, use thereof may be author-
ized beyond the regular hours.

15. To use the drives except by persons in pleasure vehicles, Drives—
on bicycles or on horseback; the bridle paths only by persons on rate of speed.
horseback. Animals to be used on either shall be well broken,
and constantly held in such control that they may be easily and
quickly turned or stopped; they shall not be allowed to move
at a rate of speed on the drives or bridle paths of more than
eight miles an hour; and when it shall be deemed necessary to

RULES FOR PARKS AND PARKWAYS.

safety, good order, or the general convenience that the speed of an animal or vehicle should be checked, or that it should be stopped, or its course altered, and the officer on duty shall so direct, by gesture or otherwise, such direction shall be obeyed; and no horse or other beast of burden or automobile shall be driven or suffered to stand anywhere except on the drive.

Rules—use of
parks and
parkways.

Sec. 1132. The following rules shall obtain in the use of the parks and parkways in the City of Memphis, or belonging to the City of Memphis, by persons on horseback or in vehicles:

Vehicles to
carry lamp.

1. All vehicles must carry a lighted lamp, showing a white light ahead, from thirty minutes after sunset until thirty minutes before sunrise.

Vehicle
passing others.

2. All vehicles and horsemen when passing another vehicle or horseman going in the same direction, must keep to the left and leave the vehicle or horseman they are passing on the right hand.

Going slow.

3. All vehicles or horsemen going at a walk or slow trot must keep near the curbstone or gutter on the right-hand side of the road; those going more rapidly must keep nearer the middle of the road.

Stopping

4. No vehicle shall stop for any purpose without drawing up to the curbstone or gutter, and always on the right-hand side of the road.

Side of drives.

5. On all drives and parkways where grass plots divide the drive, all vehicles and horsemen must keep on the right-hand side drive or bridle path.

Cyclists.

6. Cyclists must not coast in the parks, nor on the parkways, or bicycle paths, and must keep their feet on the pedals and their hands on the handle bars; must not mount nor dismount, except on the extreme right of the roads or bicycle paths.

RULES FOR PARKS AND PARKWAYS.

7. Riding more than two abreast is prohibited.

8. Instruction in operating automobiles, bicycles, tricycles, ^{Automobiles, etc.} velocipedes or other such vehicles of propulsion, and all trick or fancy riding on the same, is prohibited in the parks and parkways at all times.

Sec. 1133. It shall be unlawful for any person, persons, firm ^{Telephone poles, etc.} or corporation to erect or have erected any telephone, telegraph, electric or other poles and wires in any of the parks or parkways in the City of Memphis, except with a written permit from the Park Commission, given at a regular meeting, which permit shall only be given to continue during the will and pleasure of the said Park Commission, or its successors.

Sec. 1134. That any person, persons, firm or corporation erecting or causing to be erected any poles or wires contrary to the provisions of Section 1133 of this ordinance, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$1 nor more than \$50.

Sec. 1135. The following rules shall obtain in the use of the <sup>Speedway—
use of
restricted.</sup> Speedway between Evergreen and Trezevant avenues:

1. The use of the Speedway is restricted to light vehicles of the classes known as buggies, runabouts, surreys and other like vehicles adapted to the speeding of light harness horses, seating not more than four persons and drawn by one or two horses, except by permission of the Commissioners.

2. Speeding on Sundays and holidays, and after 3 o'clock p.m. ^{Speeding.} on other days, will be permitted in one direction—from west to east only. Turning is forbidden except at the ends of the Speedway.

3. When not speeding, drivers must keep closely to the right-hand side of the road and keep moving.

SUBDIVISIONS.

Loud shouting. 4. Loud shouting to make horses break or to urge them on is strictly forbidden.

Hobbles
forbidden.

5. The use of hobbles, or similar other device or apparatus, to fetter or connect the legs of horses, for the purpose of restricting or hampering their motion or gait, is forbidden.

Sec. 1136. *Be it further ordained*, That any person or persons failing or refusing to observe the rules and regulations set out in Sections 1131 to 1136, inclusive, of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$1 nor more than \$50.¹

ARTICLE 69.

SUBDIVISION ORDINANCE.

Submit plan
of subdivisions
to Council.

Sec. 1137. Hereafter when the owner of any land situated within the limits of the city shall determine to subdivide the same into lots and dedicate streets and alleys to the public use, it shall be the duty of such owner to submit a full and complete plan and map of such subdivision to the Legislative Council for its approval. If the Legislative Council shall approve such plan, the same shall be put of record and the Council may by resolution accept the dedication of such streets and alleys, and establish the same as public highways. If the Council disapproves the plan of such subdivision, the owner shall be notified thereof, and he shall be advised of the changes which the Council directs to be made. If the owner refuses to make such changes and records in the plat as prepared by him, the Council may by ordinance or resolution close up the streets and alleys as laid out by such owner; and if it is desirable to open streets and alleys through such land, the Council may order the City Attorney to institute condemnation proceedings for the opening of streets and alleys in accordance with the plan chosen by the Council.

¹ Sections 1131 to 1136, inclusive, passed March 4, 1909.

SUBDIVISIONS.

Sec. 1138. No sale of any lot shall be made in any subdivision of real estate, and no one shall build upon a lot in any such subdivision until the plan of said subdivision showing streets, alleys, shape and size of lots, shall have been submitted to and approved by the Legislative Council of the city. And any attempt to sell or build upon lots in tracts of land without subdivision or without laying off and dedicating streets and alleys, by which it is sought to evade the effect of this ordinance, is also prohibited.¹

No sale of
lots until
plan is
accepted.

Sec. 1139. Likewise, when any person desires to open or dedicate to the public any street or alley within the limits of the city, a map of the same shall be submitted to the Council for its acceptance or rejection, and the same course shall be taken with respect thereto as in the case of subdivision, and in the manner provided in the last section.

Streets and
alleys.

Sec. 1140. It shall be the duty of the Park Commission, as soon as practicable after its organization, to examine and study the general location and direction of the streets and highways of the city as they are now laid out, and especially the streets and alleys within the subdivisions situated in the annexed territory; and said Commission shall, in a written report to the Legislative Council, suggest what changes, if any, should be made in the location conducive to the beauty of appearance and convenience to the public and economy of maintenance. Upon such recommendations being laid before the Council, such steps may be taken as will put said recommendation in force so far as same may be practicable.

Park Com-
mission to
report on
streets.

Sec. 1141. Whenever any plats of contemplated subdivisions or streets are submitted to the Council for its approval, as required by Sections 1137 to 1140, inclusive, the Council may

Plats
referred to
Park
Commission.

¹ Section 1138 passed January 28, 1903.

SUBDIVISIONS.

refer the same to the Park Commission for examination, and the Commission shall report to the Council their recommendation with respect thereto.

Monuments.

Sec. 1142. *Be it further ordained*, That the owner of every subdivision hereafter laid out shall erect at least two suitable permanent monuments of stone on each street of said subdivision, from which the survey of said street is made, and a copy of the survey and the surveyor's field notes shall be filed with the City Secretary.²

City Engineer A. T. Bell submitted a set of proposed rules governing subdivision practice in the City of Memphis and same was unanimously adopted by the Council. (See Minute Book F, page 21, Legislative Council, date April 10, 1902), viz.:

A SET OF PROPOSED RULES GOVERNING SUBDIVISION PRACTICE.

Be it resolved by the Legislative Council, That the following rules shall govern the submission of petitions for the approval of the Legislative Council in the matter of the subdivision of property for sale in city lots within the city limits:

1. The petition shall give an accurate description of the property which it is proposed to subdivide.
2. The petition shall declare the purpose of the petitioner to place on public record within 60 days the plan of subdivision as approved by the Legislative Council.
3. The petition shall be signed by the owner, or his authorized agent, and shall be in the hands of the City Secretary before 12 m. of the day on which its approval is desired.

² Section 1142 passed March 30, 1909. (See Minute Book "E," page 359.)

SUBDIVISIONS.

4. In preparing the plan the following regulations shall be observed:

(No street less than fifty feet wide),¹ nor an alley less than twelve feet, will be acceptable; no lot of less than thirty feet in width, nor of less than 3,600 square feet in area will be acceptable; all lots less than 60 feet wide shall have a public alley provided in their rear. In general, all public streets which would pass through the property if extended shall be provided for in the plan, excepting cases where blocks less than 200 feet in their lesser dimension would be created; the lots shall be numbered consecutively throughout the subdivision, or they shall be numbered consecutively in each block, in which case the blocks shall be designated consecutively by letters, or Roman numerals.

The City Engineer will act in an advisory capacity in preparing the plan, if desired, and will give the lines of the streets and alleys as prescribed in his duties on the request of the real estate owner.

5. The petition shall embrace a map or plat to be prepared as follows:

It shall give all dimensions of the property described in the petition, and all the boundaries of the same shall be plainly designated; the names of owners of all property bounding the property subdivided; the length and the widths of all the streets and alleys shall be given; all angles, other than right angles, shall have their magnitude recorded on the plat; all linear dimensions of every lot shall be plainly indicated; the plat shall be drawn on rectangular sheets of tracing cloth, eighteen inches by twenty-four inches to a scale of not more than 150 feet to the inch, enough sheets being used to contain the plat; a device not less than eight inches from north to south shall be given, showing the cardinal points of the compass; a scale not less than four inches long corresponding to the scale of the plat shall be given;

¹ In parenthesis, adopted May 8, 1902.

SUBDIVISIONS.

the plat shall be signed by the proprietor of the subdivision, the City Engineer and by the surveyor who laid out the subdivision, who shall also make affidavit thereon as to the correctness of the survey and the plat, stating that the lines given by the City Engineer were recognized and followed throughout.

In dealing with proposed plans of subdivision it early became apparent that some fixed plan or guide was necessary in the work of laying down streets which were to be held. To meet this want a study has been made of the territory east of Raleigh, Claybrook and Atkinson avenues to the eastern city limits, and from the city limits on the south to Summer avenue on the north.

A plan for street extensions for a part of this territory was submitted to your honorable body on November 7, 1901, and for another portion on February 25, 1902.

Both plans were adopted, and a notice of the action on the last brought many interested property owners to the office of the City Engineer to examine the plans.

Plans are submitted with this report for the remainder of the territory described above. A title has been placed on each, which it is believed will more clearly express the purpose for which they were prepared.

In preparing the plans no attempt has been made to locate the proposed streets along land lines, but existing streets have been produced where it was thought desirable, and where no streets exist an attempt has been made to divide the space into blocks desirable in shape and size from the standpoint of a systematically laid off city.

(Signed)

A. T. BELL,
City Engineer.

RESOLUTION.

(Subdivision Streets.)

Whereas, The Legislative Council of the City of Memphis has, by ordinance duly passed and appearing upon page 470 of the digest of the ordinances, provided that all proposed subdivisions of lands situated within the limits of the city shall receive the approval of the Legislative Council, and that the dedication of all streets and alleys through such proposed subdivisions shall be accepted by the city by resolution of the Council, and that if the plan and map of such proposed subdivision required to be submitted to the Legislative Council shall not receive the approval of said Council the proposed streets and alleys of such subdivision shall not be accepted by it, and that if it becomes desirable to open streets and alleys through the land whose proposed subdivision is not approved by the Legislative Council the said Council may institute condemnation proceedings for the opening of such streets and alleys; and,

Whereas, By the terms of this ordinance the approval of the Legislative Council is a condition precedent necessary to the acceptance of the dedication of all streets and alleys through proposed subdivisions; and,

Whereas, The proper sanitation of the City of Memphis requires the observance of said subdivision ordinance, inasmuch as houses built remote from the streets and alleys of the city are inaccessible to the sewer and waterworks system of the city; and,

Whereas, It has come to the attention of the Legislative Council of the City of Memphis that certain subdivisions of lands within the limits of the said city have been filed of record in the Register's office of Shelby County without first having received the approval of the Legislative Council, and the streets and alleys provided for in some of said plans of subdivision are not consistent with the general system of streets and alleys of the city; and,

Whereas, Certain of said proposed streets and alleys have not

STREET NUMBERING.

been by the city recognized or accepted, in any manner as streets and alleys; therefore, be it

Resolved by the Legislative Council of the City of Memphis, That the proposed dedications of such streets and alleys in such plans of subdivisions not heretofore recognized or accepted in any manner by the city as streets and alleys, and not consistent with the general plan and system of the streets and alleys of the city, are now declared not accepted by the City of Memphis, and that the same are not streets and alleys. Be it further

Resolved, That the City Attorney is hereby directed to institute proceedings at law, by injunction or otherwise, to prevent in the future any effort on the part of any one to have filed of record in the Register's office of Shelby County, Tennessee, any plan of subdivision of land in the City of Memphis that has not received the approval of the Legislative Council as provided in said subdivision ordinance.

Adopted by the Legislative Council of the City of Memphis, September 10, 1903. (Minute Book "F", page 249.)

ARTICLE 70.

STREET NUMBERING.

Numbers. Sec. 1143. All houses, buildings or lots fronting upon any street within the limits of the city shall bear, and be known by, a certain street number, to be fixed by the City Engineer.

How fixed. Said street number shall be ascertained and fixed with reference to the distance and direction of such house building or lot, from two certain meridian lines, which lines are now described and established as follows:

North and
south streets. Meridian A—Beginning at the intersection of the south boundary line of the city and the center of Florida avenue, running thence north along the center of Florida avenue to the Mississippi river, and thence with center line of said avenue if same were extended northwardly to the line dividing the Rice and Ramsey

STREET NUMBERING

grants, and known as the Ramsey line; thence northwardly and parallel with that part of Main street lying north of Beale street.

Meridian B—Beginning at a point where Meridian A would intersect the center line of Madison street if same were extended westwardly, thence east along the center of Madison street to the eastern boundary line of the city. Where the house, building or lot is situated on a street running in a north and south direction, the street number shall be fixed with reference to the distance north or south from Meridian B, each street number taking up a frontage of twenty feet. The odd numbers shall be on the west side of the street, and the even numbers on the east side. For example:

A house on Second street 1,000 feet north of Madison street Example.
would be No. 100 North Second street if situated on the east side of the street, and No. 101 North Second street if situated on the west side of the street.

Where the house, building or lot is situated on a street running East and west streets.
east and west, the street number shall be fixed with reference to the distance from Meridian A, each street number taking up a frontage of twenty feet, the odd numbers being on the south side and the even numbers on the north side of the street. For example:

A house, building or lot on Union avenue 7,000 feet east of Example.
Meridian A would be No. 700 Union avenue, if situated on the north side of the street, and No. 701 Union avenue if situated on the south side of the street.

Where streets do not run at right angles with the meridians, Irregular streets.
the frontage of each street number shall be increased so as to make the street number on that street correspond with the street numbers on other streets in the same block which do run at right angles to the meridian.

Sec. 1144. The owner of any house or building erected after Numbers—how obtained.
this date shall apply to the City Engineer for his street number,

STREET NUMBERING.

and the Engineer shall furnish it to him upon the payment of a fee of 50 cents, which shall be turned over to the County Trustee for the use of the city.

The City Engineer shall proceed at once to ascertain and fix street numbers for the houses in the annexed territory, and the owners of such houses shall pay 50 cents for each number furnished.

Where to be
placed.

Sec. 1145. Hereafter every person, firm or corporation owning or occupying any house or building in the city, and fronting on any street in the city, and not now bearing a street number, shall have a street number attached to or stenciled or painted on the front part of such house or building in such manner as that the number shall be plainly visible from the street, and said street number shall be the number conforming to the street numbering ordinance, and shall be the number designated by the City Engineer in accordance with said ordinance.

Violation
Misdemeanor.

Sec. 1146. After November 1, 1900, any person, firm or corporation that fails to comply with this ordinance shall be guilty of a misdemeanor, and fined not less than \$2 nor more than \$50 for each house or building not numbered.

Sec. 1147. It shall be the duty of each person to keep upon and in front of their house a number corresponding with the number on file in the City Engineer's office, and sufficiently large and plain that it may be easily read from the opposite side of the street upon which the house is situated.

New
buildings.

Sec. 1148. When any person shall build upon any vacant lot on any of the streets within the limits of the city, the occupant of the building shall, within ten days after he or she has occupied the building, comply with this ordinance.

Sec. 1149. That any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction before the Police Court shall be fined not less than \$1 nor more than \$50 for each and every offense.

BONDED DEBT.

STATEMENT OF THE BONDED DEBT OF THE CITY. MAY
1ST, 1909.

Name of Bond.	Date of Issue.	Amount Outstanding.	Date Due.
Taxing District compromise bonds, 6%.	1885	\$ 986,000.00	1915
Refunding gold bonds, 4½%	1896	1,247,000.00	1926
Market house bonds, 5%	1897	20,000.00	1919
Market house bonds, 5%	1897	20,000.00	1922
Market house bonds, 5%	1897	20,000.00	1927
Park bonds, 4%	1901	250,000.00	1912
Park bonds, 4¼%	*1909	1,000,000.00	1959
Memphis water bonds, 4%	1903	1,850,000.00	1933
Memphis water bonds, 4%	1909	1,009,000.00	
Memphis water bonds, 4%	1909	241,000.00	
New refunding bonds, 4½%	1908	537,000.00	1939
School bonds, 6%		25,000.00	1911
School bonds, 4%		28,500.00	1919
School bonds, 4%		25,000.00	1916
School bonds, 4%		25,000.00	1921
School bonds, 4%		20,000.00	1926
School bonds, 4½%		75,000.00	1929
School bonds, 4½%		125,000.00	1945
School bonds, 4%		300,000.00	1937
Total		\$7,803,500.00	

RECAPITULATION OF BONDED INDEBTEDNESS, MAY 1, 1909.

Six (6) per cent. bonds	\$1,011,000.00
Five (5) per cent. bonds	60,000.00
Four and one-half (4½) per cent. bonds	1,984,000.00
Four and one-quarter (4¼) per cent. bonds	*1,000,000.00
Four (4) per cent. bonds	3,748,500.00
Total bonded indebtedness	\$7,803,500.00

*This statement assumes that the \$1,000,000.00 park bonds authorized by Legislature of 1909 will all be issued.

REFUNDING BONDS.

ARTICLE 71.

ORDINANCES AUTHORIZING BOND ISSUES.

NO. 1. REFUNDING BONDS 1896.

Sec. 1150. *Be it ordained by the Legislative Council of the City of Memphis*, That the City of Memphis hereby accepts, to the extent hereinafter stated, the provisions of Chapter 56, of the Acts of the Legislature of the State of Tennessee, for the year 1895, by and under which the said city is authorized to issue three million (\$3,000,000) dollars of bonds for the purpose of refunding its bonded debt at a lower rate of interest.

Provisions
for issuance.

Sec. 1151. For the purpose of refunding at a lower rate of interest the now outstanding debt of said city, issued under the provisions of Chapter 170 of the Acts of 1883, and maturing on the 1st day of January, 1913, and now redeemable at par, the said City of Memphis will issue, and the Mayor and Secretary of the Board of Fire and Police Commissioners are hereby authorized to execute and deliver \$1,250,000 of said bonds, dated July 1, 1896, and maturing July 1, 1926, bearing 4½ per cent. interest, both principal and interest payable in gold coin of the present standard, at the office of the United States Mortgage & Trust Company, in the City of New York, or at the City of Memphis, Tenn.

The form of said bond and coupons shall be as follows:

State of Tennessee, City of Memphis, County of Shelby.

Refunding Gold Bond, 1896.

No.....

Form of bond. The City of Memphis, Shelby County, State of Tennessee, a municipal corporation created under the laws of the State of Tennessee, hereby acknowledges itself indebted and firmly bound to the holder of this bond in the sum of one thousand (\$1,000) dollars, gold coin of the present standard, and promises and obligates itself to pay to the holder of this bond, at the office of the United States Mortgage & Trust Company, in the City of

REFUNDING BONDS.

New York, or at the City of Memphis, Tenn., on the 1st day of July, A.D. 1926, the sum of one thousand (\$1,000) dollars, in gold coin of the present standard, with interest thereon in like gold coin at the rate of four and a half ($4\frac{1}{2}$) per cent. per annum, payable semi-annually, on the 1st day of January and July in each year until maturity, on the presentation and surrender of the proper coupon at the office of the United States Mortgage & Trust Company, in the City of New York, or at the City of Memphis, Tenn.

This bond is one of a series of twelve hundred and fifty (1,250) bonds, aggregating one million two hundred and fifty thousand (\$1,250,000) dollars, and has been duly and legally issued under and in pursuance of and in strict conformity with an ordinance and resolution of the Legislative Council of said City of Memphis, and under authority of the Constitution and in accordance with the laws of the State of Tennessee, and an act of the Legislature of said State, passed on the 4th day of April, 1895, being an act entitled "An act to amend an act entitled an act to establish taxing districts in this State, and to provide means of local government for the same" (the same being Chapter 11 of the Acts of 1879), so as to authorize the City of Memphis to issue three million (\$3,000,000) dollars of bonds for the purpose of refunding its bonded debt at a lower rate of interest, and the holder is entitled to all of the rights and remedies set forth in and secured to him by said ordinance, act of the Legislature and laws of the State of Tennessee.

This bond shall not be valid and obligatory unless the certificate engraved hereon is signed by the United States Mortgage & Trust Company.

In witness whereof the Mayor of said city and the Secretary of the Board of Fire and Police Commissioners of said city have

REFUNDING BONDS.

signed this bond and attached thereto the seal of said city, this 1st day of July, 1896.

THE CITY OF MEMPHIS,

By Mayor.

....., Secretary Board of Fire and Police
Commissioners of the City of Memphis.

COUPON.

Form of
coupon.

\$22.50—City of Memphis, County of Shelby, State of Tennessee,
four and one-half per cent. Refunding Gold Bond.

On January 1, 1897, the City of Memphis will pay to the
bearer, at the office of the United States Mortgage & Trust Com-
pany, of New York City, or at the City of Memphis, Tenn., twenty-
two and fifty-hundreds (22.50) dollars in gold coin of the present
standard, for six months' interest on Bond No.....

THE CITY OF MEMPHIS,

By W. L. CLAPP, Mayor of the City of Memphis.

CERTIFICATE.

Certificate
of Trustee.

It is hereby certified that the within bond is one of a series
of twelve hundred and fifty (1,250) bonds, mentioned therein,
amounting in the aggregate to \$1,250,000.

UNITED STATES MORTGAGE & TRUST CO.,

By....., President.

CERTIFICATE OF CITY ATTORNEY AS TO VALIDITY.

Certificate
of City At-
torney.

I hereby certify that I have examined the proceedings taken
in the issue of the within bonds, and find that all acts and
things requisite to a valid issue of bonds have been properly
performed and done, and the bonds are, in my opinion, valid
evidences of debt for the payment of the interest and principal
of which the City of Memphis, State of Tennessee, is legally
bound.

....., City Attorney.

MARKET HOUSE BONDS.

Sec. 1152. Upon the execution of the aforesaid bonds by the Mayor and Secretary of the Board of Fire and Police Commissioners, the Mayor be, and he is hereby, authorized to sell the same at the price of 103½, the same to be sold and delivered at the price aforesaid to the Mutual Life Insurance Company of New York and to other subscribers, as shown by the contract between the City of Memphis and said insurance company, which is spread on the minutes of the proceedings of this session of the Legislative Council. Sale of bonds.

Sec. 1153. The proceeds of the bonds hereby authorized to be issued shall be used for the exclusive purpose of refunding or retiring the now outstanding 1913 bonds. Use of proceeds.

Sec. 1154. The bonds hereby authorized to be issued shall not be subject to call. Not callable.

Sec. 1155. The holders of the bonds hereby authorized to be issued and delivered shall be entitled to all the rights and remedies provided by said act, Chapter 56, of the Acts of 1895, and any other laws of the State of Tennessee, and for the purpose of securing the payment of the principal and interest of said bonds as the same shall respectively mature, the said City of Memphis also hereby pledges itself to levy an annual tax sufficient to meet the semi-annual interest thereon as it matures, and further pledges itself to levy a tax sufficient to pay the principal thereon as the same shall mature.¹ Tax levies.

NO. 2. MARKET HOUSE BONDS, 1897.

Sec. 1156. *Be it ordained by the Legislative Council of the City of Memphis,* That under and by virtue of the provisions of Chapter 86 of the Acts of the regular session of the Legislature of the State of Tennessee of 1893, the City of Memphis will issue and the Mayor and Secretary of the Board of Fire and Police Issuance.

¹ Sections 1150 to 1155, inclusive, passed May 27, 1896.

MARKET HOUSE BONDS.

Commissioners are hereby authorized to execute and deliver \$60,000 of "Market House Bonds," the same to be issued and the proceeds thereof to be used exclusively for the erection of a market house, and for other improvements on the premises known as the Beale Street Market House property, situated on the north side of Beale street, between Hadden avenue and Hernando street, in said city.

Denomina-
tions.

Sec. 1157. Said bonds shall be of the denomination of five hundred (\$500) dollars, and shall be dated January 1, 1897. One-

Maturity.

third of said bonds shall mature in twenty years, one-third in twenty-five years, and the remaining one-third in thirty years

Interest rate.

from the date thereof. The said bonds shall bear interest at the rate of five (5) per cent. per annum, to be evidenced by attached coupons maturing semi-annually, and the principal and the interest thereon shall be payable in the City of Memphis, Tennessee.

Sec. 1158. The form of said bond and coupons shall be as follows: (Here follows form of bond.)

Sec. 1159. To secure the payment of the principal of and interest on said bonds the Mayor of the city is hereby authorized and empowered to execute a trust deed upon the market house property aforesaid and upon its net income and revenues, the form of which deed shall be as follows: (Here follows form of trust deed.)

Certificate
of Trustee.

Sec. 1160. On the back of each of said bonds the said Memphis Trust Company shall certify as follows: "This bond is one of the bonds secured by trust deed authorized by the ordinance providing for the issue thereof, and registered in the Register's office of Shelby County, Tennessee, in Book —, page —."¹

¹ Sections 1156 to 1160, inclusive, passed March 4, 1897.

REFUNDING BONDS.

PARK BONDS, 1901. \$250,000 4 PER CENT. BOND.

See ordinance, April 13, 1901. (Minute Book E, pp, 501, 548, 578.)

NO. 3. \$551,000 REFUNDING BONDS.

Whereas, by virtue of the provisions of an act of the General Assembly of the State of Tennessee, approved April 4, 1895, being Chapter 56 of the Acts of 1895, and the Constitution and other statutes of said State in such cases, made and provided, the City of Memphis is authorized and empowered to issue bonds to an amount not exceeding \$3,000,000.00 for the purpose of refunding its bonded debt at a lower rate of interest; and,

Preamble.

Whereas, the bonded indebtedness of the City of Memphis, amounting to \$551,000.00, and bearing interest at the rate of 6 per cent. per annum, became due and payable on the first day of July, 1907; and it is necessary to issue bonds in order to provide the funds wherewith to pay said bonded indebtedness, which matured on the 1st day of July, 1907, as aforesaid; now, therefore,

Sec. 1161. *Be it ordained by the Legislative Council of the City of Memphis*, That the City of Memphis will issue its negotiable bonds to the amount of \$551,000.00 in the denomination of \$1,000.00, dated the 1st day of January, 1908, bearing interest at the rate of four and one-half per cent. per annum, payable semi-annually, on the 1st day of January and July of each year, and said bonds shall be signed by the Mayor and the Register of the City of Memphis; and the interest coupons attached to said bonds shall bear the lithographed signature of the said Mayor.

\$551,000 re-funding bonds.

All of said bonds shall mature and be due and payable on the 1st day of January, 1939, without option of prior payment; and said bonds and interest coupons shall be payable at the City Hall, in Memphis, Tennessee, or, at the option of the holder, at the Bank of America, in the City and State of New York,

Maturity of bonds.

REFUNDING BONDS.

and said bonds, both principal and interest, shall be payable in lawful money of the United States of America.

Form of
bond.

Sec. 1162. Said bonds and coupons thereto attached shall be in substantially the following form, to-wit:

(Form of Bond.)

UNITED STATES OF AMERICA,

STATE OF TENNESSEE,

CITY OF MEMPHIS.

REFUNDING BOND.

No.....

\$1,000.

Know all men by these presents that the City of Memphis, a municipal corporation organized and existing under the laws of the State of Tennessee, hereby acknowledges itself indebted, and promises to pay to bearer the sum of one thousand dollars on the 1st day of January, 1939, with interest thereon at the rate of four and one-half *per centum* per annum, payable semi-annually, on the 1st day of January and July, on presentation and surrender of the coupons hereto annexed, as they severally become due, both principal and interest being payable in lawful money of the United States of America, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the Bank of America, in the City and State of New York.

This bond is one of a series of bonds issued for the purpose of refunding and renewing certain valid bonds of the City of Memphis, which were outstanding at and prior to the time of the taking effect of Chapter 56 of the Acts of Tennessee for the year 1895, and which matured and became payable during the year 1907, and which remained outstanding and unpaid until the time of the issuance of these refunding bonds. This bond is issued under and pursuant to and in strict conformity with the constitution and statutes of the State of Tennessee and the charter of the said City of Memphis, and the amendments thereto, and ordinances and proceedings duly passed and adopted.

REFUNDING BONDS.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist, happen and be performed precedent to and in the issuance of this bond have been done, have existed and have happened and been performed in regular and due form and manner as required by the Constitution and statutes of said State and the charter of said city; that the bonds refunded by this series of bonds were duly and lawfully issued, and did not exceed any constitutional, statutory or charter limitations, and were valid, legal and subsisting obligations of said City of Memphis; and that this bond, together with all other indebtedness of said City of Memphis, does not exceed any limit prescribed by the Constitution or statutes of said State or charter of said city. The full faith and credit of said City of Memphis is hereby pledged for the payment of the principal and interest of this bond as the same respectively become due, and for the levy and collection of sufficient taxes for that purpose.

In witness whereof, said City of Memphis has caused this bond to be signed by its Mayor and the City Register and the corporate seal of said city to be affixed hereto and the coupons attached to this bond to bear the engraved or lithographed signature of the Mayor, and this bond to be dated the 1st day of January, 1908.

....., Mayor.

....., City Register.

FORM OF COUPON.

No..... \$22.50

On the 1st day of....., 19...., the City of Memphis, State of Tennessee, will pay to bearer twenty-two and fifty-hundredths (\$22.50) dollars, lawful money of the United States, at the City Hall in Memphis, Tennessee, or, at the option of the holder, at the Bank of America, in the City and State

Form of
coupon.

REFUNDING BONDS.

of New York, being six months' interest then due on refunding bond of said city, dated January 1st, 1908.

No., Mayor.

Sec. 1163. The Mayor of the City of Memphis shall cause said bonds and coupons to be properly lithographed and said bonds shall all be signed by the Mayor and the City Register, and the corporate seal of the City of Memphis shall be affixed thereto.

Sale. Sec. 1164. Said bonds shall be sold at public sale, whereof due notice shall be given of at least twenty days by and after inviting sealed bids by advertisement in Memphis, Tennessee, and in one or more financial papers or newspapers published in the City of New York or Chicago, Illinois, or both.

Said bonds shall not be sold below the par or face value thereof, free from any sales commission or brokerage. The right to reject any or all bids shall be reserved.

Proceeds—
how applied. Sec. 1165. The proceeds of said bonds shall be used for the sole and exclusive purpose of paying off and retiring the aforesaid bonded indebtedness of the City of Memphis, which fell due on the 1st day of July, 1907, as aforesaid. And no more bonds shall be sold or issued than will be necessary to raise said sum of \$551,000.00.

Levy and
collection of
taxes for
payment. Sec. 1166. The full faith and credit of said City of Memphis is hereby pledged for the payment of the principal and interest of this bond as the same respectively become due, and for the levy and collection of sufficient taxes for that purpose.

Sec. 1167. All ordinances and parts of ordinances in conflict with or inconsistent with this ordinance be, and the same are hereby, repealed, and this ordinance shall take effect from and after its passage.

BOARD OF WATER COMMISSIONERS.

Sec. 1168. That this ordinance be published in the Daily News Scimitar, of Memphis, Tennessee, as required by law in such cases.¹

ARTICLE 72.

ORDINANCE ESTABLISHING BOARD OF WATER COMMISSIONERS.

Whereas, by virtue of Chapter 32 of the Acts of the General Assembly of Tennessee of 1899, authority is conferred upon the City of Memphis, through its Legislative Council, to establish a Board of Water Commissioners; and, Preamble.

Whereas, the City of Memphis is now about to consummate negotiations whereby it will become the owner of its own water plant, and a Board of Water Commissioners is necessary to control and manage said water plant; therefore,

Sec. 1169. *Be it ordained by the Legislative Council of the City of Memphis*, That there shall be, and hereby is, established a Board of Water Commissioners, which shall consist of three members, who shall be elected by the Legislative Council. At the first election of said Commissioners, one of them shall be elected for a term of six years, one for four years, and one for two years. At the expiration of their respective terms of office their successors shall be elected for a term of six years. That member elected for the longest term shall be Chairman of said Board, and that one elected for the next longest term shall be Vice-Chairman. Board of
Water Com-
missioners.

At the expiration of the term of the first Chairman, or in case of vacancy in the office of Chairman, the member of said Commission who shall be selected to act as Chairman shall be designated by the Legislative Council. Term of
office.

No member of the Legislative Council, and no person officially connected with the city government, shall be eligible as a member of the Board, and all members thereof shall have resided Vacancy—
how filled.

¹ Sections 1161 to 1168, inclusive, passed March 24, 1908.

BOARD OF WATER COMMISSIONERS.

within the present limits of the city for five years preceding their election.

The members of said Board shall be citizens of known integrity and probity, and shall be selected because of their public spirit and their business ability.

Bond.

Before entering upon their duties, each member of said Board shall give a bond, payable to the city, in the penalty of \$10,000, conditioned for the faithful discharge of his duties, and they shall take an oath before the Mayor to faithfully perform the duties of their office, and that they shall not become interested, directly or indirectly, in any contract of purchase made in or about the conduct, improvement and maintenance of the waterworks system of the city.

Salary of
Chairman.

The Chairman of said Board shall receive a salary of three thousand dollars (\$3,000) per annum, payable in monthly installments, he to give his entire time and attention to the duties of his office, and the other two (2) members thereof shall be paid ten dollars (\$10) for each and every meeting of said Board attended by them.¹

Monthly
meetings.

Sec. 1170. The Board of Water Commissioners shall hold one regular meeting each month; said monthly meeting to be held in the office building of the waterworks system, at 2 o'clock on the afternoon of the first Tuesday preceding the regular monthly meeting of the Legislative Council. Special meetings may be called by the Chairman at any time upon due notice to the other members.

A suitable room in the office building of the waterworks system shall be provided for the meetings of the Board.

Chairman
to preside.

At all meetings of the Board the Chairman shall preside and preserve order, and the Secretary of the waterworks system—to be selected as hereinafter provided—shall also be Secretary

¹ Paragraph 7, Section 1, passed September 24, 1907.

BOARD OF WATER COMMISSIONERS.

of the Board, and be present at all of its meetings to take and keep the minutes and proceedings of said meetings.

Sec. 1171. The said Board of Water Commissioners shall have general supervision and direction of the waterworks system of the City of Memphis. General supervision.

It shall employ a general superintendent of the waterworks system and a Secretary therefor, and such hydraulic engineers as may be necessary in the operation of said waterworks system; all of which officers, agents or employes shall be employed by the said Board upon the approval of the Legislative Council of the City of Memphis. Employ Superintendent.

It shall be the duty of said Board of Water Commissioners to fix the salaries of all of the officers, agents and employes of the said waterworks system, subject to the approval of the Legislative Council. Duties.
Fix salaries of employes.

It shall further be the duty of said Board of Water Commissioners to make all purchases of materials that may be necessary for the maintenance, improvement and extension of the waterworks plant, said Board being required, in making such purchases, to comply with the law and ordinances with reference to advertising for bids. Purchase of materials.

At the regular monthly meetings of said Board of Water Commissioners all reports that may be required from the various officers, agents and employes of the waterworks system shall be received, and the said Board, at this meeting, shall formulate a full report of the receipts and disbursements of the waterworks system during the preceding month, together with a statement of such extensions and improvements as it deems necessary to be made during the following month, which report and statement shall be submitted to the Legislative Council of the City of Memphis at its regular monthly meeting. Reports.

It is further specifically provided that it is the duty of the Board of Water Commissioners to keep intimately informed of Keep Council advised of condition.

BOARD OF WATER COMMISSIONERS.

the management and condition of the waterworks system, and to keep the Legislative Council of the City of Memphis thoroughly advised as to such management and condition.

Bond of
Superin-
tendent.

Sec. 1172. The General Superintendent of the waterworks system, herein provided for, shall give a bond payable to the city, conditioned for the full and faithful discharge of his duties, in the penalty of \$25,000.

Duties of
Superin-
tendent.

He shall devote his entire time and attention to the duties of his office, and shall have general management and control of the waterworks plant and property, subject to the supervision and control of the Board of Water Commissioners.

He shall be vested with the power to appoint and employ all agents and employes that may be necessary in the management and operation of the water plant (except the Secretary and hydraulic engineers), subject to the approval of the Board of Water Commissioners.

He shall make monthly reports in writing to the Board of Water Commissioners, said report to be submitted to the said Board at its regular monthly meeting, and he shall keep such records as may be intelligible to the said Board, and be at all times accessible to the members thereof.

He shall draw all checks or vouchers necessary for the disbursement of money for the use of the waterworks system, which said checks or vouchers shall be on the depositary of the said waterworks system, to be designated by the Board of Water Commissioners, and shall be countersigned by the Chairman of the Board of Water Commissioners, and, in his absence or disability, by the Vice-Chairman, and, in the absence or disability of both the Chairman and Vice-Chairman, by the other member of the said Board of Water Commissioners.

Salary.

The salary of said General Superintendent shall not exceed \$3,600 per annum, payable in monthly installments.

WATER BONDS.

Sec. 1173. The Secretary of said waterworks system, herein Bond. provided for, shall give a bond in the sum of \$10,000, payable to the city, conditioned for the full and faithful discharge of his duties.

He shall devote his entire time and attention to the duties of his office.

He shall have general supervision and control of all books and records that may be necessary to be kept in the management of said waterworks system, and he shall, whenever called upon so to do, make a full and complete report to the Board of Water Commissioners about such matters coming under his supervision as such Board may require of him.

The salary of the Secretary shall not exceed \$2,500 per annum, Secretary. payable in monthly installments.

Sec. 1174. All of the books, papers, files of correspondence, Books of Water Department subject to inspection. vouchers, invoices, estimates or contracts of or pertaining to the waterworks system in the custody of any officer or person whatsoever shall be accessible and subject to inspection by any committee or person designated by the Legislative Council of the City of Memphis to make any audit or inspection whatsoever that said Legislative Council may deem proper.¹

RESOLUTION.

Whereas, pursuant to the resolution adopted by the Legislative Council on May 9th, 1903, an advertisement for bids for \$1,-250,000 of thirty-year 4 per cent. water bonds of the City of Memphis was published in the Memphis Morning News, on the following days, to-wit: May 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th and 28th, 1903; and,

Whereas, said advertisement was also published in the Financial and Commercial Chronicle, of New York, in its issue of May 23d, 1903, and said advertisement in the Memphis Morning News

¹ Sections 1169 to 1174, inclusive, passed May 29, 1903 (except Paragraph 6 of Section 1169).

WATER BONDS.

and in said Financial and Commercial Chronicle was in the following form, to-wit (see ante page 39); and,

Whereas, in pursuance of said advertisement, sealed bids have been received at the office of the City Secretary, and said bids have been opened and considered by the Council, and it appearing that the bid of C. W. Schulte, for himself and as agent for a syndicate of Memphis bankers, of \$1,250,800 for said \$1,250,000 of 4 per cent. thirty-year bonds, numbered from 1 to 1250, inclusive, is the highest and best bid; now, therefore, be it

Resolved, That said \$1,250,000 of 4 per cent. thirty-year bonds of the City of Memphis, provided for by the ordinance of May 9th, 1903, that is to say, Nos. 1 to 1250, inclusive, be, and the same are hereby, awarded and sold to C. W. Schulte, agent, for the sum of \$1,250,800 together with accrued interest on the face value of said bonds from their date, namely, May 1st, 1903, to this date, aggregating \$1,254,772.59.

And the Mayor is now authorized and directed to receive the deed to the artesian water plant from the Artesian Water Company, and to deliver the trust deed or mortgage upon said plant securing said bond issue, and to deliver said \$1,250,000 of water bonds to said C. W. Schulte, agent, and out of the purchase price above named to pay to the Artesian Water Company, \$1,096,000, and interest thereon at the rate of 6 per cent. per annum from April 1st, 1903, to this date.

Be it further resolved, That the Mayor, Secretary and other officers of the city are hereby authorized and directed to do such acts and take such steps as may be necessary, legal and proper for consummating the purchase of the water plant, and for the sale and delivery of said \$1,250,000 of bonds.¹

¹ Adopted May 29, 1903.

WATER BONDS.

OPINION.

DILLON & HUBBARD,

Attorneys and Counsellors at Law,

New York, June 8, 1903.

Hon. J. J. Williams, Mayor, Memphis, Tennessee:

DEAR SIR—At the request of the City of Memphis, we have examined into the validity of an authorized issue of \$3,500,000 water bonds of the City of Memphis, said bonds being of the denomination of \$1,000 each, dated May 1, 1903, bearing interest at the rate of 4 *per centum* per annum, payable semi-annually May 1 and November 1, bonds numbered from 1 to 2000, both inclusive, being payable May 1, 1933, \$50,000 of said bonds, numbers 2001 to 2050, both inclusive, being payable May 1, 1904; the next \$50,000 of said bonds, numbers 2051 to 2100, both inclusive, being payable May 1, 1905, and so on \$50,000 each year of the next succeeding numbers, to and including bond number 3500, said bonds being issued under an act of the General Assembly of the State of Tennessee, appearing as Chapter 32 of the Acts of 1899, and an act of the General Assembly of the State of Tennessee amendatory thereof, approved April 14, 1903, and a mortgage made by said City of Memphis to the Memphis Trust Company, dated May 1, 1903. We have examined the Constitution and statutes of the State of Tennessee and certified copy of proceedings of said city authorizing the issue of said bonds. We have also examined certified copy of proceedings making sale of \$1,250,000 of said bonds, numbers 1 to 1250, both inclusive; also the engraved form of said bonds. The said form of bond and mortgage, as well as said act of April 14, 1903, and the ordinance authorizing the issuance of the bonds, passed May 9, 1903, were drafted by us in connection with the City Attorney.

In our opinion, said \$1,250,000 of bonds, numbers 1 to 1250, both inclusive, are issued in accordance with the Constitution and statutes of the State of Tennessee, and constitute valid and legally binding obligations of said City of Memphis.

BOARD OF WATER COMMISSIONERS.

We are also of opinion that the provisions of the said act, approved April 14, 1903, and of the said ordinance of May 9, 1903, and the said mortgage, are valid, including, among other things, the provisions as to maintaining water rates; also as to the obligation of the city to levy taxes with which the net revenues from the waterworks shall be sufficient to pay the interest and principal of the bonds.

Very truly yours,

(Signed.)

DILLON & HUBBARD.

Water Department to furnish water free. To whom.

Sec. 1175. The Board of Water Commissioners are hereby empowered and directed to furnish, free of charge, to the Park Commission of the City of Memphis such supply of water as may be reasonably necessary for the parks, parkways and boulevards; also orphan asylums or other charitable institutions for the care of persons who are helpless, either from infancy or old age; also the house of the Memphis Salvage Corps, and that the Water Department is hereby instructed to act under the provisions of this ordinance.¹

Meters to be removed unless requested to be retained.

Sec. 1175a. *Be it resolved by the Legislative Council of the City of Memphis*, That the Legislative Council direct the Commissioners of the Memphis Artesian Water Department of the City of Memphis that all meters heretofore placed upon private consumers of water be removed, unless the consumer should request that the same be retained, and that this resolution take effect on the 1st day of April, 1906.²

Meters not to be installed except on request.

Sec. 1175b. *Be it further resolved*, That the Legislative Council direct said Commissioners to cease to put in meters upon the premises of private residence consumers, unless same be requested by said consumers, and that this latter section take effect at once.²

¹ Section 1175 passed March 9, 1905.

² Sections 1175a and 1175b adopted March 9, 1906. See Minute Book "A," "Upper Board," page 122.

ARTICLE 73.

ORDINANCE PROVIDING FOR ISSUE AND SALE OF WATER BONDS.

Whereas, under and by virtue of the provisions of an act of Preamble.
the General Assembly of the State of Tennessee, passed and approved on January 28, 1889, being Chapter 32 of the Acts of 1899, and an act of the General Assembly of said State amendatory thereof, approved on the 14th day of April, 1903, and the Constitution and other statutes of said State in such cases made and provided, the City of Memphis is authorized and empowered to acquire and purchase water properties, plants, assets and franchises, and to issue bonds in amount not exceeding \$3,500,000, for the purpose of enabling said city to purchase such properties, plants, assets and franchises, and providing for the retirement of the bonded indebtedness assumed by the City of Memphis, as part consideration of the purchase price of such properties, and to make such improvements upon and extensions of such water properties and plants as may become necessary; now, therefore,

Sec. 1176. *Be it ordained by the Legislative Council of the* Issue bonds.
City of Memphis, That the said City of Memphis will issue its negotiable bonds to the amount of \$3,500,000, in denominations of \$1,000 each, dated May 1, 1903, bearing interest at the rate of 4 per cent. per annum, payable semi-annually on the first days of May and November of each year, said bonds to be signed by the Mayor of the City of Memphis, and its corporate seal to be thereto affixed, attested by the Secretary, and the coupons attached to said bonds to bear the engraved or lithographed signature of the said City Secretary. Said bonds shall be numbered from 1 to 3500, inclusive.

Bonds numbered from 1 to 2000, both inclusive, shall be payable May 1, 1933; \$50,000 of said bonds, numbers 2001 to 2050, both inclusive, shall be payable May 1, 1904; the next \$50,000 of said bonds, numbers 2051 to 2100, both inclusive, shall be

WATER BONDS.

payable May 1, 1905; and so on, \$50,000 each year of the next succeeding numbers, to and including Bond No. 3500.

Form of
bonds.

Sec. 1177. Said bonds shall be substantially in the form contained in the mortgage hereinafter set forth, subject to necessary variations as to number and maturity of bonds and interest coupons thereto attached.

Interest.
Provide for
payment.

Sec. 1178. To provide for the payment of interest on the said bonds and the principal thereof, the City of Memphis hereby irrevocably sets apart and appropriates all of the net income and revenues arising or derived from the waterworks belonging to the said city, and all extensions and additions thereto, the city hereby agreeing that the rates, tolls and rentals fixed and charged by the said city for the use of water shall not be lower than will furnish sufficient revenue to pay all operating expenses of the waterworks system of the said city, and all necessary repairs and improvements to the same, and interest on the bonds herein authorized to be issued, as the interest and principal of such bonds shall respectively become due.

To levy tax
to pay
interest and
principal.

But it is expressly agreed and provided that if the said net revenues shall be insufficient in any one year or years to pay the said interest and principal, then, and in such event, the said city will, for such deficiency or shortage, levy and collect taxes upon all taxable property in the said city, which, together with such revenues on hand and applicable for that purpose, shall be sufficient to pay without default the interest and the principal of the said bonds as the same respectively become due.

Income set
apart to
pay bonds,
etc.

And it is hereby agreed and covenanted by the City of Memphis, to and with each and every person who shall be the owner or holder of the said bonds or coupons, that the said fund derived from the net income and revenues of the said waterworks system hereafter mentioned, shall be irrevocably appropriated

WATER BONDS.

and set apart, and that the said taxes shall be so levied and collected annually, as aforesaid, until the payment of the interest and principal of the said bonds shall be made.

And this covenant agreement, and all the other provisions of this ordinance, and of the said bonds and the mortgage securing the same, shall be deemed and held to be an irrevocable covenant and contract with the purchaser, with all subsequent holders and owners of the said bonds during the time that the said bonds or any of them shall remain outstanding.

Irrevocable
covenant.

Sec. 1179. For the purpose of further securing the payment of the interest and principal of the bonds herein authorized to be issued, the Mayor and Secretary of the city are hereby authorized and directed to execute, acknowledge and deliver to the Memphis Trust Company, of Memphis, Tennessee, as trustee, a mortgage, which mortgage shall cover and convey all of the water plant, property, machinery, pipes, franchises and all other property, real and personal, of every character, including all the revenues and income of the waterworks system or plant of the City of Memphis; and all additions and extensions thereto of every kind, character, nature or description, including, among other things, all of the property, water plant and franchises appertaining to or used in or about the operation and maintenance of the waterworks system contracted to be purchased by the City of Memphis from the Artesian Water Company of Memphis. And also all such other property of any kind or nature, including, among other things, any and all additions, additional sources of water supply, all extensions, accretions, revenues, income and profits thereof; and the right of a purchaser, his successors or assigns, in case of foreclosure and sale, to maintain and operate the same upon the streets, highways and public places of the municipality and elsewhere, and to furnish water to the said City of Memphis and its inhabitants, and to fix and charge reasonable rates, tolls and rentals for the use of

To mortgage
plant and
property.

WATER BONDS.

such water; also the exclusive right and franchise in such purchaser to supply the city and its inhabitants with water and to fix and charge reasonable rates, tolls and rentals for the use of said water; and also the right in said purchaser to have all of the rights, privileges, franchises and immunities specified and mentioned in said mortgage and in said act of April 14, 1903, in case of foreclosure and sale; and the right of the trustee taking possession under the provisions of said mortgage, or, in the event of the foreclosure and sale of such mortgage, the right of the purchaser at such foreclosure sale, his successors and assigns, whether persons or firms or corporations, domestic or foreign, to have exclusive right and franchise to supply such city and its inhabitants with water, and to fix and charge reasonable rates, tolls and rentals for the use of such water; *provided, however*, that any such purchaser under such foreclosure and sale, his successors or assigns, shall be bound to fix and charge.

Mortgage
first lien.

The said mortgage shall be a first lien on all of the said water plants, property and franchises now owned or hereafter to be acquired by the said city, excepting only an issue by the said Artesian Water Company of \$750,000 first mortgage bonds, dated May 10, 1889, due January 1, 1909, and secured by a deed of trust made by said Artesian Water Company to the Farmers' Loan & Trust Company, trustee, dated May 10, 1889, and recorded in Book 195, page 114, in the Register's office of Shelby County, Tennessee; and an issue by the said Artesian Water Company of \$500,000 second mortgage bonds, dated June 30, 1899, due January 1, 1909, and secured by a deed of trust made by said Artesian Water Company to the Farmers' Loan & Trust Company, trustee, dated July 1, 1899, and recorded in Book 270, page 314, in the Register's office of Shelby County, Tennessee; and which the said City of Memphis has contracted to acquire.

Said mortgage shall be in substantially the following form, with such changes and additions, not inconsistent with the said

WATER BONDS.

act of the Général Assembly of April 14, 1903, as may seem proper to the Mayor and Secretary:

MORTGAGE OF THE CITY OF MEMPHIS TO THE MEMPHIS TRUST COMPANY TO SECURE AN ISSUE OF WATER BONDS OF SAID CITY.

This indenture, made and entered into this the 1st day of May, 1903, by and between the City of Memphis, a municipal corporation existing under the laws of the State of Tennessee, having a population of 60,000 or more according to the last Federal census, party of the first part, and the Memphis Trust Company, a corporation existing under the laws of the State of Tennessee, with its situs at Memphis, in said State, party of the second part:

Form of
mortgage.

Witnesseth, that the said party of the first part, acting under and by virtue of the provisions of an act of the General Assembly of the State of Tennessee, approved April 14, 1903, conferring upon certain municipalities, including the said City of Memphis, the power of acquiring a system of waterworks and issuing bonds for that purpose, said act being amendatory of Chapter 32 of the Acts of the General Assembly of the said State of Tennessee of 1899, and under said Chapter 32 of the Laws of 1899, and the Constitution of said State, and other statutes of said State in such cases made and provided, and for the further consideration of \$5 cash in hand-paid, the receipt of which is hereby acknowledged, has this day bargained, sold and conveyed unto the said Memphis Trust Company, party of the second part, upon the trusts for the purposes hereinafter fully set forth and declared, the following described real and personal property, to-wit:

Certain lots, tracts and parcels of land situate, lying and being in the City of Memphis, County of Shelby, and State of Tennessee, with all improvements thereon, consisting of the waterworks plant, machinery, pumps, pipes, wells and stand-pipes, and all other improvements of whatsoever kind located

WATER BONDS.

on or pertaining to the waterworks plant purchased by the grantor from the Artesian Water Company, and all of said waterworks property, plant, franchises, rights and privileges of every character and description wheresoever situated or located; also all the rights, franchises and privileges obtained by the grantor from the said Artesian Water Company of every kind and nature whatsoever to operate a water plant within the City of Memphis, and also all contracts, rights or privileges conveyed to the grantor by the Artesian Water Company.

The real estate herein conveyed, upon which is situated the plant and improvements purchased by the grantor of the Artesian Water Company, is located in the City of Memphis, County of Shelby, and State of Tennessee, and more particularly described as follows:

Parcel No. 1. A lot known as the Mary Sewell part of Country Lot 528, described as follows: Beginning on the south side of Auction street, at the northwest corner of the school lot opposite the west side of Fifth street; thence westwardly with the south side of Auction street, following its deflection from a direct line, 118 feet to the northeast corner of a lot recently purchased and now owned by said City of Memphis; thence southwardly with the eastern line of said lot now owned by said City of Memphis one hundred and thirty-six (136) feet to the track of the Memphis & Ohio Railroad, now operated by the Louisville & Nashville Railroad Company; thence eastwardly with the track of said Memphis & Ohio Railroad one hundred and fifty-two (152) feet to the southwest corner of the school lot; thence northwardly with the western boundary of said school lot one hundred and forty-three (143) feet to the beginning.

Parcel No. 2. Lots one hundred and thirty-seven (137) and one hundred and thirty-eight (138), part of original lot five hundred and twenty-eight (528), in the City of Memphis, and

WATER BONDS.

being in the Greenlaw addition; beginning where the east side of Fourth street intersects the north side of Auction street, running thence northwardly with the east side of Fourth street one hundred and forty-eight (148) feet to an alley midway at that point between Sycamore and Auction streets; thence eastwardly with the south side of said alley one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet to an alley midway between Fourth and Fifth streets; thence southwardly with the west side of said alley one hundred and thirty (130) feet, more or less, to the north side of Auction street; thence westwardly with the north side of Auction street about one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet to the beginning.

Parcel No. 3. A lot commencing at a point on the north side of Jackson street, one hundred and twenty-two (122) feet east of the point where the east line of the first alley east of Third street intersects the north line of Jackson street; running thence northwardly thirteen degrees east to a point midway between Jackson and Overton streets one hundred and fifty-eight (158) feet; thence eastwardly parallel with Jackson street one hundred (100) feet; thence southwardly parallel with the west line of the lot herein conveyed one hundred and fifty-eight (158) feet to the north side of Jackson street; thence westwardly along the north line of Jackson street one hundred (100) feet to the beginning.

Parcel No. 4. Lots five (5), four (4) and the south thirty (30) feet of lot three (3) of block eleven (11), South Memphis; beginning where the east side of Tennessee street intersects the north side of Talbot street; thence northwardly with the east side of Tennessee street one hundred and fifty (150) feet; thence eastwardly parallel with Talbot street one hundred and eighty (180) feet to an alley twenty (20) feet wide; thence southwardly with the west side of said alley and parallel with Tennes-

WATER BONDS.

see street one hundred and fifty (150) feet to the north side of Talbot street; thence westwardly with the north side of Talbot street one hundred and eighty (180) feet to the beginning.

Parcel No. 5. Lot one hundred and eighty-nine (189) of Greenlaw's addition to the City of Memphis, beginning at the southwest corner of Fifth and Sycamore streets; running thence south with the west line of Fifth street seventy-four and one-fourth ($74\frac{1}{4}$) feet to the northeast corner of lot one hundred and ninety (190); thence west and parallel with Sycamore street one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet to an alley; thence north with the east line of said alley seventy-four and one-fourth ($74\frac{1}{4}$) feet to the south line of Sycamore street; thence east with the south line of Sycamore street one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet to the beginning.

Parcel No. 6. Lot beginning on the south side of Auction street forty-five (45) feet west of where the center of Fourth street, prolonged southwardly, would intersect the south line of Auction street; running eastwardly with the south side of Auction street three hundred (300) feet; thence southwardly and perpendicular to Auction street one hundred and twenty-eight and one-half ($128\frac{1}{2}$) feet to the center of the track of the Memphis & Ohio Railroad Company, now Louisville & Nashville; thence westwardly with the center of the track of the Memphis & Ohio Railroad about three hundred (300) feet; thence northwardly and parallel with the eastern boundary one hundred and thirty-three (133) feet to the beginning, said western boundary being also perpendicular to the south side of Auction street, being part of original country lots four hundred and sixty-five (465) and five hundred and twenty-eight (528).

Parcel No. 7. Lot beginning on the north side of Jackson street, at a point where the north side of Jackson street is intersected by the east line of the alley first east of Third street;

WATER BONDS.

thence north with said alley one hundred and fifty-six and one-half ($156\frac{1}{2}$) feet to another alley; thence east with said alley one hundred and twenty-two (122) feet; thence southwardly parallel with the first named alley one hundred and fifty-six and one-half ($156\frac{1}{2}$) feet to Jackson street; thence with Jackson street one hundred and twenty-two (122) feet to the beginning.

Parcel No. 8. Part of country lot five hundred and twenty-eight (528), in the City of Memphis, beginning on the south side of Auction street three and two-tenths (3.2) feet west of where the south line of Auction street would be intersected by the west side of Fifth street, if prolonged, being the northwest corner of the school lot; thence south four (4) degrees east with the western boundary of the school lot one hundred and fifty-five (155) feet to a stake twenty-five (25) feet northwardly from the center of the main track of the Louisville & Nashville Railroad; thence eastwardly and parallel with said railroad track one hundred and ten (110) feet to a stake twenty-five (25) feet northwardly from the center of said railroad track; thence north two (2) degrees, east one hundred and eighty-five (185) feet to the south side of Auction street, magnetic courses; thence westwardly with the south side of Auction street one hundred and twenty (120) feet to the beginning, being the western portion of the lot conveyed by William Parke and James Simpson to the Board of Visitors of the Memphis City Schools.

Together with all the rights, tenements, hereditaments and appurtenances thereunto belonging or in any manner appertaining, it being the intention of this instrument to grant, bargain and sell and convey unto the trustee named herein, among other things, all of the real estate and property formerly belonging to the Artesian Water Company, and acquired by the grantor, of whatsoever nature, legal or equitable, and wheresoever situated, whether the same be in this conveyance particu-

WATER BONDS.

larly described or not. This conveyance is intended to and does include all and singular hereditaments and appurtenances, easements, ways and rights of way belonging to the said waterworks plant and property, or in any manner appertaining thereto, together with all the plant, machinery, pumps, pipes, wells, stand-pipes, rights, property, materials, contracts for the purchase of materials and other contracts and assets of every character and description, real, personal and mixed, wherever situated, and lately acquired by the grantor from the said water company; also all rights, privileges and franchises, of whatsoever nature, acquired from said company; being all the property, rights, franchises, privileges and immunities of every kind, character and description conveyed and intended to be conveyed by the Artesian Water Company to the City of Memphis by an indenture dated the 1st day of May, 1903, which is hereby referred to for greater certainty, and made a part of this indenture.

Mortgage
of franchise,
plant, etc.

And the said party of the first part does also grant, bargain, sell and convey to the said party of the second part any and all waterworks of the said City of Memphis, plants, assets and franchises purchased, acquired, constructed, extended or improved for waterworks purposes by said City of Memphis, and any and all additions, additional sources of water supply, all extensions, accretions, revenues, income and profits thereof, and the right to the purchaser, his successors or assigns, in case of foreclosure of this mortgage and sale thereunder, to maintain and operate the same upon the streets, highways and public places of the City of Memphis and elsewhere, and furnish water to the said City of Memphis and its inhabitants, and to fix and charge reasonable rates, tolls and rentals for the use of such water.

Exclusive
franchise.

And it is also hereby provided and declared that the said City of Memphis shall have the exclusive right and franchise to supply the said city and its inhabitants with water, and to fix and

Right to
fix charges.

WATER BONDS.

charge reasonable rates, tolls and rentals for the use of such water; and it is further provided and declared that any trustee taking possession under the provisions of this mortgage, and that in the event of any foreclosure and sale under the provisions of this mortgage, the purchaser at any such foreclosure and sale, his successors and assigns (whether persons or firms or a corporation, domestic or foreign), shall have the right and franchise in perpetuity to supply such city and its inhabitants with water, and to fix and charge reasonable rates, tolls and rentals for the use of such water; which right and franchise shall be exclusive for fifty years from the date of such foreclosure sale. It is further agreed that, so long as any of the said bonds or coupons secured by this indenture are outstanding or unpaid, such rates, tolls and rentals fixed and charged by the City of Memphis shall not be lower than will furnish sufficient revenue to pay all operating expenses of the waterworks, system or systems herein mortgaged, also for all necessary repairs and improvements to the same, and interest on the bonds issued for such waterworks system or systems, and the principal of any such bonds as all such payments respectively become due. It is furthermore agreed that no purchaser under any foreclosure sale, his successor or assigns, shall be bound to fix and charge any lower rates, tolls and rentals for the use of such water than similar rates, tolls and rentals fixed and charged in similar municipalities in the United States with similar waterworks systems; *provided, however*, that in case of default in the payment of the interest or principal of the bonds secured by this indenture, and during the time that such default continues, and possession of the water plant and property taken by the trustee under this mortgage, or by any receiver appointed by a court of competent jurisdiction, the party of the first part hereby covenants and agrees to pay to such trustee or receiver a sum not less than \$55,000 per annum for hydrant rentals used for

WATER BONDS.

city purposes, and an additional rental of two and two-tenths per cent. on all bonds secured hereby which may be outstanding over and above \$2,500,000, said payments to be made quarterly on the first days of January, April, July and October of each year.

Foreclosure.

And it is further provided and agreed that, in case of the foreclosure of this indenture, the said party of the first part will pay the purchaser at such foreclosure sale, his successors and assigns, for a term of fifty years from the date of such foreclosure sale, a sum of not less than \$55,000 per annum for hydrant rentals used for city purposes. And the city further covenants and agrees that it will obtain its supply of water for all city and public uses for such term of fifty years exclusively from such purchaser, his successor and assigns, at fair and reasonable rates, and to pay such further sum in addition to the said \$55,000 as may be reasonable and fair compensation for the water consumed and used by the said city for its public purposes, the said \$55,000, however, being the minimum compensation for water to be paid by the city. The foregoing provisions, however, shall not prevent the City of Memphis from obtaining from the Mississippi River a supply of water to be used by fireboats for extinguishing fires on and along the river front.

And the said party of the first part also hereby grants, bargains, sells and conveys all rights, privileges and franchises which it is authorized to mortgage for the security of the said bonds in and by the foregoing recited acts of the General Assembly of the State of Tennessee, including the said act approved April 14, 1903, as fully as if the same were set out herein at large.

To have and to hold, all and singular, the premises and properties, real or personal, rights, franchises, licenses, estates and

WATER BONDS.

appurtenances hereby conveyed, transferred and assigned or intended to be conveyed, transferred and assigned, to the said Memphis Trust Company, its successors and assigns forever.

With whom the said City of Memphis covenants and agrees Covenants. that it is seized in fee of said lands, tenements, rights, premises, franchises, privileges and immunities; that it has good right and lawful authority to sell and convey the same; that the same are free from all incumbrances, except an issue by said Artesian Water Company of \$750,000 first mortgage bonds, dated May 10, 1889, due January 1, 1909, and secured by a deed of trust made by said Artesian Water Company to the Farmers' Loan & Trust Company, trustee, dated May 10, 1889, and recorded in Book 195, page 114, in the Register's office of Shelby County, Tennessee; and an issue by said Artesian Water Company of \$500,000 second mortgage bonds, dated June 30, 1899, due January 1, 1909, and secured by a deed of trust made by said Artesian Water Company to the Farmers' Loan & Trust Company, trustee, dated July 1, 1899, and recorded in Book 270, page 314, in the Register's office of Shelby County, Tennessee, and that the title thereto it will forever warrant and defend against the lawful claims of all persons whomsoever.

But this conveyance is made in trust, and upon the following conditions, to-wit:

The grantor, the City of Memphis, herein named as party of Conditions of trust. the first part, by an ordinance duly passed and adopted at the meeting of the Legislative Council on the 9th day of May, 1903, such ordinance being passed and adopted by virtue of the power and authority conferred on said Legislative Council by the Acts of the General Assembly of the State of Tennessee, hereinbefore referred to and recited, has authorized and directed the issuance of its negotiable interest-bearing coupon bonds for the sum of three million and five hundred thousand dollars (\$3,-

WATER BONDS.

500,000), secured by a mortgage on the properties and in this indenture set out, all of said bonds to be dated May 1, 1903, and bearing interest at the rate of 4 per cent. per annum, payable semi-annually on the first days of May and November of each and every year during the existence of said bonds, such bonds to be signed by the Mayor of the City of Memphis and the City Secretary, and authenticated by the city seal, and the payments of interest to be evidenced by coupons or interest warrants attached to each bond, bearing the lithographed signature of the City Secretary. All such bonds to be in the denomination of \$1,000 each, numbered from 1 to 3500, inclusive, and maturing as follows:

Bonds numbered from 1 to 2000, both inclusive, shall be payable May 1, 1933. Fifty thousand dollars of said bonds, numbers 2001 to 2050, both inclusive, shall be payable May 1, 1904; the next fifty thousand dollars of said bonds, numbers 2051 to 2100, both inclusive, shall be payable May 1, 1905; and so on, fifty thousand dollars each year of the next succeeding numbers to and including bond number 3500.

All of said bonds and coupons to be payable according to the tenor and effect thereof, at the office of the Memphis Trust Company, in Memphis, Tennessee, or, at the option of the holder of said bonds, at the office of the United States Mortgage & Trust Company, in the City and State of New York, and said bonds, excepting the date of maturity as applicable to each specific bond, and omitting all the coupons, to be in substantially the following form, to-wit:

Form of
bond.

UNITED STATES OF AMERICA.

STATE OF TENNESSEE.

CITY OF MEMPHIS.

FOUR PER CENT. WATER BONDS.

No.

\$1,000.

WATER BONDS.

Know all men by these presents, that the City of Memphis, in the County of Shelby, and State of Tennessee, for value received, hereby promises to pay to the bearer one thousand dollars lawful money of the United States of America on the first day of May, 19—, with interest thereon at the rate of 4 *per centum* per annum, payable semi-annually on the first days of May and November, on the presentation and surrender of the annexed coupons as they severally mature, both principal and interest being payable at the office of the Memphis Trust Company in the said City of Memphis, or at the option of the holder hereof at the office of the United States Mortgage & Trust Company, in the City and State of New York.

This bond is one of a series of bonds of like date, tenor and effect, numbered from 1 upwards, issued and to be issued to an amount not exceeding in the aggregate the principal sum of \$3,500,000, under and pursuant to and in strict compliance with an act of the General Assembly of the State of Tennessee, appearing as Chapter 32 of the Acts of 1899, and an act of the General Assembly of the State of Tennessee amendatory thereof, approved April 14, 1903, and the Constitution and other statutes of said State in such cases made and provided, and ordinances and proceedings of said City of Memphis duly passed, had and taken in due time, form and manner as required by law. Bonds numbered 1 to 2000, both inclusive, are payable May 1, 1933. Fifty thousand dollars of said bonds, numbers 2001 to 2050, both inclusive, are payable May 1, 1904, that next fifty thousand dollars of said bonds numbered 2051 to 2100, both inclusive, are payable May 1, 1905; and so on, fifty thousand dollars each year of the next succeeding numbers to and including bond number 3500.

Maturity of
bonds.

The said City of Memphis, acting under and pursuant to the Constitution and statutes of said State, and the ordinances and proceedings of said city, has made a mortgage to the Memphis

Mortgage
of plant,
property, etc.

WATER BONDS.

Trust Company, a corporation organized and existing under the laws of the State of Tennessee, as trustee, and being such a trustee as is required by said act approved April 14, 1903, upon its waterworks plant, property, franchises and revenues, to which mortgage reference is hereby made for a description of the property, rights and franchises mortgaged, and the nature and extent of the security and rights of holders of bonds under the same and the terms and conditions under which said bonds are issued and secured. If default shall be made in the payment of the interest on this bond, or in the performance of certain covenants and agreements in the said mortgage, then the principal of this bond may become due and payable on the conditions and in the manner and at the times provided in said mortgage.

How principal and interest registered.

Both principal and interest of this bond may be registered, in which event all unmatured coupons on this bond shall be cut off and canceled by the Secretary of said city, and the name of the registered owner of this bond be placed in the registration clause on the back of this bond, together with the signature of the Secretary of said city, and thereafter both principal and interest of this bond shall be payable to such registered owner or to his legal representatives or assigns, and this bond shall thereafter be transferable from time to time only by the registered owner in person or by attorneys upon the books of the Secretary of said city.

Trustees' certificates.

This bond shall not be valid or obligatory for any purpose until it shall have been authenticated by the certificates of the said trustee, or its successor in said trust, indorsed hereon.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this bond have existed, happened and been performed in full and strict compliance with the

WATER BONDS.

Constitution and statutes of the State of Tennessee and the ordinances of the said city, and that the amount of this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the Constitution or statutes of said State, and the faith and credit of the City of Memphis are hereby pledged for the full and punctual payment of the interest and principal of this bond.

In witness whereof, the said City of Memphis has caused this bond to be signed by its Mayor and its corporate seal to be hereto affixed, attested by its Secretary, and the interest coupons hereto attached to bear the lithographed signature of its Secretary, and this bond to be dated May 1, 1903.

....., Mayor.

Attest:, City Secretary.

FORM OF COUPON.

No. \$20.

The City of Memphis, Tennessee, will pay to bearer twenty dollars at the office of the Memphis Trust Company, in said city, or, at the option of the holder hereof, at the office of the United States Mortgage & Trust Company, in the City and State of New York, on the first day of November, 19.., being six months' interest then due on....., May, ...

Memphis Water Bond dated May 1, 1903. No.

....., City Secretary.

WATER BONDS.

FORM FOR REGISTRATION.

Notice.—No writing on this bond except by an officer of the city.

Date of Registration	Name of Registered Owner	City Secretary

FORM OF TRUSTEE'S CERTIFICATE.

It is hereby certified that this bond is one of the series of bonds mentioned and described in the mortgage or deed of trust within referred to.

MEMPHIS TRUST COMPANY, Trustee.

By....., President.

Bonds to be
deposited
with Trustee.

Upon the execution of this indenture, all of the said \$3,500,000 of bonds shall be lithographed and executed on the part of the City of Memphis, as in this indenture provided, and deposited with the trustee to be certified and delivered by said trustee from time to time pursuant to the provisions of this mortgage.

Bonds
certified.

In case any of the officers of the city who shall have signed and sealed any of the bonds intended to be secured by this indenture shall cease to be such officers before the bond or bonds so signed and sealed shall have been actually issued, certified and delivered by the trustee, such bond or bonds may nevertheless be issued, certified and delivered, subject to the provisions of this indenture, as though the persons who signed and sealed said bond or bonds had not ceased to be officers of the city, and the coupons of any bonds may be used, notwithstanding the fact that the person or persons whose signatures appear on such

WATER BONDS.

coupons may have ceased to be officers of the city at the time when such bonds shall be actually certified and delivered. Before certifying or delivering any bond, all the coupons thereon then matured shall be cut off, canceled and delivered to the City of Memphis.

II.

It is understood and agreed that the foregoing conveyance is made and executed by the party of the first part, pursuant to the Acts of the General Assembly of the State of Tennessee hereinbefore referred to and recited, and the ordinance of the City of Memphis adopted and passed on the 9th day of May, 1903, and in accordance therewith, for the equal and *pro rata* benefit and security of all of the holders of any of the above mentioned bonds and coupons hereby secured without any preference or priority of one bond over another, regardless of the time of the issue, negotiation or maturity thereof.

Bonds issued without preference or priority of time of issue.

It is understood, however, that bonds of the issue herein provided for, numbered from 2001 to 3250, inclusive, amounting to \$1,250,000, shall be placed in the hands of the Memphis Trust Company and held by it in trust for the purpose of providing for the purchase or acquisition of certain bonds heretofore issued by the Artesian Water Company, as herein provided, to the amount of \$1,250,000, maturing on the first day of January, 1909, and secured by its two trust deeds, covering, in part, the property hereby conveyed, as said trust deeds appear by record in the office of the Register of Shelby County, in Book 195, page 114, and in Book 270, page 314, respectively. No part of the bonds so placed in the hands of the said Memphis Trust Company, and numbered as aforesaid, shall be used for any purpose except for purchasing or acquiring said outstanding bonds of the Artesian Water Company, or in exchange for the same until all of said bonds shall have been purchased or acquired.

Bonds in trust for purchase of other bonds.

WATER BONDS.

Should it become necessary, in purchasing or acquiring said outstanding issues of bonds of the Artesian Water Company, to use a larger amount of the bonds hereby secured than those hereinbefore specified in this clause, to-wit: Numbers 2001 to 3250, inclusive, such additional amount of the bonds hereby secured may be used for this purpose, from Bond No. 3251 to Bond No. 3300, both inclusive; *provided, however*, that such exchange of bonds shall result in a net saving of interest to the party of the first part upon the basis of the then market value of the respective issue of bonds. The said Memphis Trust Company is hereby expressly authorized to use any part of the bonds, from Nos. 2001 to 3300, inclusive, in purchasing on the open market any of the outstanding bonds of the Artesian Water Company before their maturity, provided that such purchase shall result in a net saving of interest, as hereinbefore directed.

Bonds to be
certified for
further im-
provements.

It is further understood and agreed that Bonds Nos. 1251 to 2000, inclusive, and Nos. 3251 to 3500, inclusive (unless Bonds Nos. 3251 to 3300, or part thereof, shall be used as provided in the foregoing paragraph, and in that event Bonds Nos. 1251 to 2000 and Bonds Nos. 3300 to 3500, inclusive, and such part of Bonds Nos. 3251 to 3300 as are not used in exchange, as aforesaid), shall be placed in the hands of the Memphis Trust Company, to be certified and delivered to the party of the first part, at such time or times and in such amounts as may, in the discretion of the said Memphis Trust Company, be deemed necessary and judicious for making further expenditures for permanent improvements on or additions to the waterworks plant and property of the said party of the first part. Such certification and delivery shall be made at such times and in such amounts as may be required by the Legislative Council of the City of Memphis; *provided, however*, that the trustee herein named concurs with said Council in the necessity for such further expenditures, improvements or additions.

WATER BONDS.

The necessity for the expenditures, improvements and additions hereinbefore referred to, and the actual cash cost of the same, shall be made to appear to the satisfaction of the Memphis Trust Company from a certificate of such competent engineer as it may see proper to appoint, and from a resolution of the City Council, together with a report, so far as the Memphis Trust Company is concerned, to be borne by said company.

Necessity for expenditures made to appear.

It is further expressly agreed and provided, anything herein to the contrary notwithstanding, that all such bonds of the said Artesian Water Company, which have been purchased or acquired as aforesaid, shall be delivered to the trustee under this indenture at the time of the certification and delivery by the trustee of the bonds secured hereby which are used to purchase or acquire the said bonds of the said Artesian Water Company, and the trustee of this indenture shall stand possessed of the said Artesian Water Company bonds so delivered to it (which bonds and each coupon thereof shall be stamped or marked with a reference to this trust) for the protection and further security of the trustee's title to the property and premises comprised in this mortgage, but shall never enforce payment of any of said Artesian Water Company's bonds or coupons thereof against the said City of Memphis or institute or carry on any proceedings for enforcing against the property or premises comprised in and subject to the trusts of the mortgage securing said Artesian Water Company's bonds, so delivered to the trustee, any rights or claims that it may have in respect for the purpose of protecting or securing its title, rights and liens to the same property or premises, and shall hold any title, rights, liens, moneys and property that it may have, acquire or be entitled to by means of any sale, foreclosure or other proceedings for enforcing either of said Artesian Water Company's mortgages or deeds of trust upon the trusts declared in this indenture concerning the property and premises hereby granted. If, at any time, the

Bonds delivered to Trustee.

WATER BONDS.

trustee shall become possessed of all the bonds issued under two trust deeds of the Artesian Water Company, the said trustee may, in its discretion, cancel the same and cause the trust deeds securing the same to be satisfied of record; but the trustee in this indenture shall, notwithstanding such a cancellation and satisfaction, be and remain subrogated to all the rights, liens and equities of the holders of the said bonds of the said Artesian Water Company secured by the said two trust deeds as fully as if the said bonds had not been canceled and the said trust deeds satisfied of record.

Trustee sub-
rogated to
rights of
vendor.

It is further agreed between the parties to this indenture and by and for the benefit of each and every person or corporation who may at any time become the purchaser or holder of any of the bonds or coupons secured by this mortgage, that, inasmuch as the purchase price of the property of the said Artesian Water Company by the City of Memphis has been, or is to be, furnished by the purchasers of the bonds secured by this mortgage, that the trustee in this indenture, for the equal benefit of all persons, firms or corporations who may at any time become the purchasers or holders of the bonds or coupons secured by this mortgage shall, *ipso facto*, stand subrogated to all the rights, liens and equities of the said vendor of the said property in respect to the purchase price thereof, as fully as if the said vendor had reserved, in express terms, a lien, and had assigned the same to the trustee in this indenture for the benefit of the holders of the bonds secured hereby.

Not to im-
pair existing
obligations
of city.

It is further likewise agreed that nothing in the ordinance authorizing the execution of said bonds, or in the said bonds, and this mortgage securing the same, shall be held to impair the obligation of any existing bonds or obligations of the City of Memphis at any time heretofore issued under the charter of the said city, or under any other act of the General Assembly

WATER BONDS.

of Tennessee, but the rights of the holders of such bonds and obligations to collect and enforce the payment of such bonds and obligations shall remain unimpaired, as fully as if the said ordinance had not been passed and the said bonds and this mortgage had not been made and executed.

III.

During the continuation and existence of this trust the City of Memphis, party of the first part, hereby undertakes and agrees to and with the said party of the second part and each bondholder secured hereby: First, that it will promptly pay and discharge at maturity the interest accruing on said bonds, according to the tenor and effect of the coupons or interest warrants thereto attached, and will pay the bonds at maturity. Second, that it will pay all taxes, charges and assessments which may be lawfully assessed against the property hereby conveyed, or any part thereof. Third, that it will maintain and carry policies of fire insurance on the property herein embraced to the extent of reasonable insurance value in some fire insurance company or companies to be approved by the Memphis Trust Company, such policies being payable to the Memphis Trust Company, as trustee, as its interest may appear, and being deposited with it as further security for the holders of the bonds and coupons secured by this deed. Fourth, that it will protect such property from all liens, charges or incumbrances of any kind whereby the indemnity and security hereby given for the protection of the holders of such bonds and coupons might, or could in any manner be lessened or impaired. Fifth, that it will, whenever required by the Memphis Trust Company, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered all and every such further act, deed, transfer and assurance for the better assuring, conveying and confirming unto the trustee, all and singular the premises, assets and property hereby conveyed or intended so to be, as it shall reasonably require for

To pay interest, taxes, etc.

WATER BONDS.

better accomplishing the provisions and purposes of this instrument, and for securing payment of the principal and interest of said bonds and coupons hereby intended to be secured. Sixth, that it will not issue, negotiate, sell or dispose of any bond hereby secured, in any manner other than in accordance with the provisions of this instrument and the agreements in this behalf herein contained. Seventh, that it will not voluntarily create, or suffer to be created, any lien or charge having priority to or preference over the lien of this instrument upon the mortgaged premises of any part thereof, or upon the tolls, income or revenue of the same, and within sixty days after the same shall accrue or be adjudged a valid claim or claims, will pay or cause to be discharged, or make adequate provision for the satisfaction or discharge of all lawful claims and demands of mechanics, laborers and others, which, if unpaid, might by law be given precedence to this instrument as a lien upon the mortgaged premises, or any part thereof, or of the income or revenue of the same. Eighth, that it will promptly pay and discharge all taxes, assessments and charges lawfully imposed on the property at any time subject to the lien thereof, or upon any part thereof, or upon any of the income or profits of the same, the lien of which would be prior to the lien of this instrument, so that the priority of this instrument shall be fully preserved in respect to such properties; *provided, however*, that nothing herein contained shall require the party of the first part to pay any such tax, assessment or charge so long as it may, in good faith, contest the validity thereof. Ninth, that it will carry on and conduct, or cause to be carried on and conducted, the duty hereby assumed in connection with the ownership of its waterworks plant, of furnishing to the City of Memphis and to its inhabitants a full, ample and adequate supply of pure and wholesome water, and will keep all the buildings, improvements, plants, fixtures, machinery and all other property covered by this indenture

WATER BONDS.

in good repair and condition, and will, from time to time, make all needful repairs, renewals and replacements, so that the business of its waterworks plant shall at all times be properly and in good faith carried on.

The said party of the first part covenants and agrees further that, should any loss at any time be sustained, covered by policies of insurance as hereinbefore required, said Memphis Trust Company shall have the right to collect and receive any and all money which may thereby become collectable or receivable upon each and every such policy of insurance, by reason of any damages or destruction of the buildings, improvements, fixtures or machinery so insured, and shall disburse the same in repairing, rebuilding or replacing such buildings, improvements, fixtures and machinery; *provided, however*, that the same may, at the written request of the party of the first part, when approved by the Memphis Trust Company, be applied by it, at its discretion, in the purchase for the party of the first part of other suitable property of equal value, which, however, shall forthwith, by proper instrument or instruments of conveyance, be made subject to the lien of this mortgage or deed of trust, free from any incumbrance or lien prior to this instrument, and, *provided, furthermore*, that, in the event such sum or sums so realized from insurance are insufficient to repair, rebuild or replace such buildings, improvements, fixtures or machinery, the party of the first part shall, and will, forthwith pay and discharge any deficiency, and completely repair, rebuild or replace such buildings, improvements, fixtures and machinery.

It is the duty of the party of the first part, however, and not of the Memphis Trust Company, to procure and renew the insurance provided for in this instrument, and it is likewise the duty of the party of the first part, and not of the Memphis Trust Company, to repair, rebuild and replace any buildings, improvements, fixtures or machinery, in the event of damage or destruction

Loss sustained.
Insurance.

Duty of first party to replace property destroyed.

WATER BONDS.

thereof by fire or other casualty covered by insurance, and the party of the first part shall cause the same to be repaired, rebuilt or replaced in the same condition as before the happening of such fire or casualty, according to the plans and specifications to be approved in writing by the Memphis Trust Company, if the party of the first part desires to rebuild or replace the same with different improvements or upon different plans and specifications than those of the property injured or destroyed.

The Memphis Trust Company shall retain all moneys so received from policies of insurance as security for the due performance by the party of the first part of the covenants herein contained, to repair, rebuild or replace, and pay the same out only upon due certification by an architect or architects to be approved in writing by the Memphis Trust Company, that the party of the first part has duly repaired, rebuilt or replaced said property which may be so damaged or destroyed by any cause or casualty as aforesaid.

IV.

Default in
payment of
interest or
principal.

Until default is made in the payment of the interest or principal of the bonds above mentioned, secured hereby, or in the payment of the interest or principal of the bonds of the Artesian Water Company assumed by the party of the first part, or in the performance of the covenants and agreements herein set forth, the City of Memphis, party of the first part, is to have full possession, control or management of the property, privileges and franchises herein mentioned, and all the income, rents and profits thereof, and shall have the right, from time to time, to dispose of such parts and portions of the equipment and fixtures at any time held and used by it in connection with such properties as may become unfit for use, provided, always, that the same be replaced by new equipment or fixtures of at least equal value, which shall then be subjected to the operation of this deed.

WATER BONDS.

But it is understood and agreed that in the management and operation of the plant, fixtures and property embraced in this instrument, the party of the first part shall so fix the water rates or rental, and otherwise regulate the revenue and expenses of the plant, as to defray all expense of maintenance and operation, and pay all accruing interest on the bonds hereby secured and the principal of the serial bonds, which mature in successive installments of fifty bonds, as fully herein referred to and described, and no legislative ordinance, or other provision providing for the necessary revenue for such maintenance and operation, and for the payment of such principal and interest from any other source, shall be held or construed as an abridgement or release of the full measure of the obligation hereby imposed on the said party of the first part to raise such revenue from the rentals of the plant, and shall be held and construed only as a cumulative or ancillary source of revenue.

City to regulate the revenues and expenses of plant.

It is further covenanted, agreed and understood that, during the existence of this trust, all of the proceeds of bonds sold under the authority of this instrument, and all water rates and rentals, income and revenue of the water plant and property described in and conveyed by this instrument, and from other sources of income derived from said property, shall be deposited as received or collected in the hands of the Memphis Trust Company, to be drawn out only upon the order of the duly authorized officer of the city and pursuant to law, ordinance and this indenture, and shall be applied to no other use or purpose than for the use and benefit of the said water plant property, in the manner provided by law and ordinance and by this indenture, or for the payment of the bonds and coupons hereby secured.

Proceeds from sale of bonds, etc.

V.

Should the party of the first part promptly pay and discharge the interest accruing on the bonds hereby secured as the same

WATER BONDS.

Mortgage
discharged
—when.

falls due, as evidenced by the coupons thereto attached, pay the principal of said bonds at maturity, and provide for the payment of the principal and interest of the bonds, as set forth in the fourth clause of this instrument, and otherwise do and perform all of the undertakings and agreements herein specified, according to the true tenor and effect thereof, then, and in that event, all of the interest, property and estate hereby granted and conveyed to the party of the second part shall cease and determine, and the right and title of all of said property hereby granted and conveyed, or intended to be conveyed, shall revert to and vest in the party of the first part, its successors or assigns, without any acknowledgment of satisfaction, reconveyance, surrender, re-entry or other act, but the parties of the second part shall, nevertheless, cancel this mortgage by proper instrument of record, at the cost of the party of the first part.

VI.

Default in
payment of
interest on
bonds.

If, after demand made, the City of Memphis shall make default or neglect or refuse to pay any interest upon any of the bonds secured hereby, or shall fail, after demand made, to keep or perform any of the covenants or stipulations in this indenture on its part to be kept and performed, and if such default shall continue for a period of ninety days after such demand, then, and in any of such events, the trustee may, and on the written request of the holders of not less than 25 per cent. in amount of the bonds issued under this mortgage and then outstanding, shall, by notice in writing addressed to the Mayor or other chief executive officer of the said City of Memphis, declare the entire principal sum of the bonds secured by this mortgage and then outstanding, with all arrearage of interest then due thereon, immediately due and payable, and, upon such service of said notice by the trustee, the entire amount of principal and interest of said bonds so outstanding shall become due and payable immediately thereafter, although the period limited in this mortgage

WATER BONDS.

or in said bonds for the payment thereof may not then have expired.

And, upon any such default on the part of the City of Memphis, continuing for ninety days as aforesaid, whether the principal sum of the bonds secured by this mortgage has been declared due or not, the trustee in this mortgage may at once take charge of and assume the entire control and management of all the property, rights and franchises hereby conveyed, without the necessity for any legal action or procedure, said party of the first part hereby agreeing and binding itself to surrender such property, rights and franchises upon demand made, under the conditions above set forth. Upon the assumption of such management or control, the said Memphis Trust Company shall proceed to operate the property hereby conveyed, collecting the water rentals, paying expenses, and applying the net revenues to the payment of the bonds and coupons which may be in arrear, or which may mature during the time of such management, preference in payment being accorded to such bonds or coupons as may be earliest in times of delinquency. During the time that such plan and property remains under the management, and in the possession of, the Memphis Trust Company, the party of the first part obligates to pay a sum of not less than fifty-five thousand (\$55,000) dollars per annum for hydrant rentals used for city purposes, and an additional rental of two and two-tenths (2.2) per cent. on all bonds which may be outstanding over and above twenty-five hundred thousand (\$2,500,000) dollars, said payments to be made quarterly on the first days of January, April, July and October of each year, as hereinbefore provided.

If the City of Memphis shall be in default in the payment of the principal of said bonds, either when all the said bonds have become due or after the principal of all said bonds shall be declared due and payable, as aforesaid, then the said Memphis

Sale of
property
under mort-
gage.

WATER BONDS.

Trust Company, after giving public notice for sixty days in a newspaper published in Memphis, Tennessee, Chicago, Illinois, and the City of New York, of the time, terms and place of sale, together with a description of the property to be sold, and such other information as may, in its discretion, be conducive to the interests of all parties concerned, shall proceed to sell at public auction to the highest bidder for cash, all the property, rights and franchises herein described, execute proper conveyances to the purchaser, receive and receipt for the purchase money, and otherwise do and perform any and all acts necessary and proper for the complete execution and foreclosure of this trust. The place of sale shall be some point in the City of Memphis, Tennessee, to be designated in such advertisements.

The sale herein contemplated and provided for shall be made of the entire property as a whole, and not in parcels, unless the Memphis Trust Company should deem it for the interest of the holders of the bonds and coupons to sell in separate lots, the said party of the first part hereby waiving such right as it may have under the laws of Tennessee, or otherwise, to demand the sale of the property in lots or parcels. The recitals of such deed or deeds as may be made in pursuance of the sale hereby provided for shall be conclusive, so far as the title acquired by the purchaser is concerned, nor shall he or they be required to look to the application of the purchase money.

Rights of
holder of
bonds

It is further understood and agreed by and between the party of the first part and the party of the second part, and every holder of bonds secured by this indenture, that any purchaser at any foreclosure sale under this indenture shall, among other things, be seized and possessed of an indefeasible estate, right, title and interest in and to all of the property, rights, franchises, contracts, obligations of the City of Memphis, and immunities of every kind and description mentioned, described or referred

WATER BONDS.

to in the granting clauses of this indenture, as fully as if the same were here repeated at large.

VII.

In the event of the failure of the party of the first part to keep the property hereby conveyed insured, to make such repairs, or to pay such expenses as may be necessary and proper in the judgment of the Memphis Trust Company to maintain such property in good condition, then the said Memphis Trust Company, or the owners or holders of the bonds and coupons hereby secured, may, in such default as to insurance, immediately have the property properly insured, and in such other default as above herein set out, may make said repairs and pay said expenses, *provided*, the party of the first part has, in these respects, continued in default for ninety days, after having received written notice from the Memphis Trust Company of the necessity for such repairs or the payment of such expenses, and the money paid hereunder for such insurance, or for such repairs and expenses, by the said Memphis Trust Company, or said owners or holders of said bonds and coupons hereunder, shall be held and deemed a part of the expenses of the administration of the trust, and be secured by the provisions of this trust, and repaid, with interest, out of the proceeds of sale.

VIII.

Should a sale be made under the terms and provisions of this instrument or by a decree of foreclosure or other method, the proceeds shall be applied as follows:

First—To the costs and expenses of the administration of the trust, including the reasonable compensation of counsel for services rendered in the course of foreclosure proceedings, and any expenses or disbursements incurred or made in or about the care and management of the property; compensation to the

Failure to insure.

Proceeds of sale—how applied.

WATER BONDS.

Memphis Trust Company, which said compensation shall be such sum as may be reasonable and proper, and any other legitimate and proper expenses incident to the administration of the trust.

Second—To the payment and discharge of the entire amount of the bonds hereby secured remaining unpaid, and of such coupons as may be past due, together with interest at the rate of 6 per cent. upon such past due coupons, and also interest upon all unpaid bonds from the date of maturity of the last unpaid coupon to the date of the distribution of the funds as herein provided for. Should the sum realized by distribution be insufficient to pay all bonds and coupons with accrued interest, then the distribution shall be made equally for the payment of all bonds, past due coupons, and interest thereon, and accrued interest on unpaid bonds from the date of the maturity of the last unpaid coupons to the date of the distribution of the funds.

Third—After the above payments have been made, the balance, if any, shall be paid to the party of the first part, its successors or assigns.

IX.

In the event of a sale made under any of the provisions of this instrument, or by decree of any court of competent jurisdiction, said party of the first part expressly waives all right or equity of redemption and agrees that the title of the purchaser shall be absolute.

X.

In the administration of this trust, the trustee may employ such officers or agents as may be necessary, their compensation to be considered and paid as a part of the expenses of such administration, but the trustee shall not be responsible for the acts of such officers and agents except in the case of gross negligence in their selection.

WATER BONDS.

XI.

Whenever the words Trustee or Memphis Trust Company are used or referred to in this indenture or in the bonds hereby secured, such words shall be held to include and mean the Trustee for the time being under the terms of this instrument. Definition.

Any Trustee hereunder may at any time resign from the trust by notice in writing, mailed and properly addressed to the Mayor or other chief executive officer of the City of Memphis, and to all such bondholders as may be known to such Trustee to be bondholders, at least sixty days before such resignation shall take effect.

If the holders of a majority in amount of the outstanding bonds intended to be secured by this indenture shall become dissatisfied with any Trustee, they may remove it by an instrument in writing under their hands and seals, acknowledged in the same manner as deeds and before some officer authorized by law to take acknowledgments of deeds to be recorded in Tennessee, and may by the same instruments in writing appoint a new Trustee. May remove Trustee.

In case of the resignation or inability to act of the Trustee, or of its removal by the bondholders, or in case of the Trustee ceasing in any other manner to be a Trustee, a new Trustee shall be appointed, and any vacancy in the office of the Trustee occasioned by resignation, inability to act, removal or in any other manner, may be filled by an instrument in writing by a majority of the bondholders as above provided, or by the holders of a majority in amount of the then outstanding bonds present or represented at a meeting of the holders of said bonds called by the holders of not less than five per cent. in amount of the then outstanding bonds, or called by the Mayor or other executive officer of the City of Memphis, of the time and place of which meeting public notice shall be given for thirty days prior Resignation or removal of Trustee—Low filled.

WATER BONDS.

thereto by publication of the time, place and purpose of such meeting once each week for four consecutive weeks in two daily newspapers of general circulation, one published in the said City of Memphis and the other in the City of New York, State of New York, and at such meeting the holders of a majority in amount of said bonds then outstanding and present or represented at such meeting, voting in person or by proxy, may by an instrument in writing showing the amount of bonds represented at such meeting and the amount thereof voting, appoint a new Trustee to fill such vacancy or remove the then Trustee and appoint a new Trustee, as the case may be, and such instrument in writing shall bear the signatures and seals of the bondholders or their proxies so voting and be acknowledged by them in the same manner as deeds to be recorded in Tennessee.

New Trustee. Any such instrument in writing by a majority of the bondholders removing a Trustee and appointing a new Trustee, or any such instrument so signed, sealed and acknowledged of any action as aforesaid, at any meeting of bondholders, and with affidavits attached thereto of the publication of such notices, shall be delivered to the Trustee so appointed, and upon the filing of the same for record in the office of the Register of Deeds in and for Shelby County, Tennessee, together with the written acceptance of such office by the new Trustee so appointed, the new Trustee so appointed shall, while he or it continues as such, be as fully vested with all the estate, property, rights and powers granted by this indenture to such Trustee, as if this indenture had in the first place been executed and delivered to such new Trustee as Trustee hereunder; *provided, however,* that any other and further conveyance or assurance which may be necessary or proper for the better vesting of the mortgage title in any new Trustee shall be made both by the said City of Memphis and the Trustee, or by either of them.

WATER BONDS.

Should any vacancy in the Trusteeship not be filled by a majority of the bondholders by instrument in writing, as above provided, or should any such meeting have been called to fill a vacancy occasioned by the resignation or inability to act of the then Trustee, or by the removal of the then Trustee by any court of competent jurisdiction, or otherwise, and at such meeting the holders of a majority in amount of such bonds present or represented shall not, as aforesaid, fill such vacancy, then the Legislative Council of the City of Memphis may at any regular meeting fill such vacancy and appoint a new Trustee by an instrument in writing executed by the Mayor or other chief executive officer of such city under its corporate seal, and upon the delivery thereof to such new Trustee and the filing for record thereof as aforesaid, with the affidavits of the publication of the notice of such meeting of the bondholders, and the acceptance of the trust by the new Trustee, the new Trustee so appointed shall in like manner, while he or it continues as such Trustee, be as fully vested with all the estate, property, rights, powers, and duties granted to the Trustee by his indenture as if this indenture had in the first place been executed and delivered to such new Trustee as Trustee hereunder; *provided, however*, that any other and further conveyance or assurance which may be necessary or proper for the better vesting of the property and title in any new Trustee shall be made by both the said City of Memphis and the Trustee, or by either of them.

In witness whereof, said City of Memphis has caused these presents to be signed by its Mayor and its corporate seal to be hereto affixed, attested by its Secretary, and the Memphis Trust Company has signed and sealed the same in evidence of its acceptance of the trusts hereby created, and the parties hereto

WATER BONDS.

have caused this indenture to be dated the first day of May, 1903, this instrument being executed in duplicate.

CITY OF MEMPHIS,

By.....Mayor.

Signed, sealed and delivered in the presence of the undersigned, who have acted as subscribing witnesses at the request of said City of Memphis.

(Corporate Seal.)

.....

Attest:

.....

City Secretary.

MEMPHIS TRUST COMPANY,

By President.

Signed, sealed and delivered in the presence of the undersigned, who have acted as subscribing witnesses of the Memphis Trust Company.

(Seal.)

.....

Attest:

.....

Its Secretary.

STATE OF TENNESSEE,

SHELBY COUNTY.

Before me, ..., a Notary Public in and for said State and County, personally appeared J. J. Williams, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Mayor of the City of Memphis, the within named bargainor, a corporation, and that he as such Mayor, being authorized so to do, executed the foregoing instru-

WATER BONDS.

ment for the purposes therein contained, by signing the name of the City of Memphis, by himself as Mayor.

Witness my hand and seal of office at Memphis, Tenn., this day of, 1903.

My commission expires on the.....day of.....

.....
Notary Public.

STATE OF TENNESSEE,

SHELBY COUNTY.

Before me, ..., a Notary Public in and for said State and County, personally appeared W. B. Armour, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Secretary of the City of Memphis, the within named bargainor, a corporation, and that he as such Secretary of the City of Memphis, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City of Memphis, by himself as Secretary of the City of Memphis.

Witness my hand and seal at Memphis, Tenn., this.....day of, 1903.

My commission expires on the.....day of.....

.....
Notary Public.

STATE OF TENNESSEE,

SHELBY COUNTY.

Before me, ..., a Notary Public in and for the State and County aforesaid, personally appeared J. T. Fargason, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of the Memphis Trust Company, the within named bargainor, a corporation, and that he as such President, being authorized so to

WATER BONDS.

do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation, the Memphis Trust Company, by himself as President.

Witness my hand and seal at Memphis, Tenn., this..... day of, 1903.

My commission expires on the.....day of.....

.....

Notary Public.

STATE OF TENNESSEE,

SHELBY COUNTY.

Before me, ..., a Notary Public in and for said State and County, personally appeared W. R. Stewart, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Secretary of the Memphis Trust Company, the within bargainor, a corporation, and that he as such Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation, the Memphis Trust Company, by himself as Secretary.

Witness my hand and seal at Memphis, Tenn., this..... day of, 1903.

My commission expires on the.....day of.....

.....

Notary Public.

Bonds to
be deposited
with Trustee.

Sec. 1180. That the Mayor and Secretary of the city shall cause the 3500 bonds of \$1,000 each mentioned in said mortgage to be properly lithographed, and when the same have been so lithographed they shall be signed by the Mayor and have the corporate seal of the city affixed thereto, attested by the city Secretary, and said bonds when thus lithographed and executed on the part of the city shall be deposited with the Trustee under the mortgage, to be issued, certified and delivered from time to time pursuant to the provisions of the mortgage, and

WATER BONDS.

not otherwise. The Mayor and Secretary shall cause notice to be given in the manner provided by said act approved April 14, 1903, of the sale of \$1,250,000 of bonds, Numbers 1 to 1250, both inclusive. Such sale shall be at public sale only, by and after inviting sealed bids by advertisement for eleven consecutive days in the Memphis Morning News, the same being the official paper of the City of Memphis, and being a daily newspaper published in the said city; and the said Mayor and City Secretary are also authorized in their discretion to publish for such time or times as they may deem proper in such other papers in the City of Memphis as they shall determine and also in one or more financial papers or newspapers in the City and State of New York a notice or notices in brief form of the sale of said bonds. Said bonds shall not be sold below the par or face value thereof, free from any sales commissions or brokerage. The right to reject any and all bids shall be reserved. The said notice of sale of bonds may also provide that in the event that the highest bidder for said bonds shall fail to take the pay for the same at the time and place appointed, the said bonds may be awarded to the next highest bidder without any readvertisement, and so on to the next highest bidder until the said bonds shall have been actually paid for.

The proceeds of the sale of said \$1,250,000 bonds shall be paid to and received by the Tax Receiver of the City of Memphis, and his receipt to the purchaser for the purchase price thereof shall be a full acquittance to the said purchaser, and the purchaser shall not be bound to see to the application of the purchase money. So much of the said proceeds as may be necessary to pay the Artesian Water Company the cash payment to be made to that company upon the delivery of the conveyance of its said water plant and property to the City of Memphis shall be paid over by said Tax Receiver on the order of the Mayor of the city to the said Artesian Water Company upon the delivery of

Proceeds of
the sale of
bonds.

WATER BONDS.

the conveyance by said Artesian Water Company to the City of Memphis of its water plant and property in such form as shall be approved by the Mayor and City Attorney, and when such conveyance is received it shall be immediately recorded in the proper registry office of the County of Shelby, and the possession of the said plant shall simultaneously with the delivery of the said deed be delivered to the said City of Memphis to be managed and controlled by the Board of Water Commissioners of said city under the laws and ordinances, rules and regulations of the city in that behalf.

The Mayor and City Secretary and the Board of Water Commissioners are hereby vested with full power and authority to do all acts and execute all papers that may be necessary to carry out and complete the transfer and purchase of the said water plant and property from the Artesian Water Company.

Sec. 1181. That all ordinances, and parts of ordinances, in conflict with, or inconsistent with, this ordinance be, and the same are hereby, repealed, and that this ordinance shall take effect from and after its passage.¹

NO. 3.*

RESOLUTION.

Preamble.

Whereas, Under the terms of the trust deed executed by the City of Memphis to the Memphis Trust Company, now Bank of Commerce & Trust Company, of date May 1, 1903, conveying to said Trust Company, as Trustee, the Artesian Waterworks, for the purpose of securing certain bonds therein mentioned, it was provided as follows:

"It is further understood and agreed that bonds Nos. 1,251 to 2,000, inclusive, and Nos. 3,251 to 3,500, inclusive (unless bonds

¹ Sections 1176 to 1181, inclusive, passed May 9, 1903.

*For ordinance providing for sale of \$250,000 4 per cent. Water Bonds, see ordinance April 13, 1901, Minute Book E, pages 501, 548, 578.

WATER BONDS.

Nos. 3,251 to 3,300, or part thereof, shall be used as provided in the foregoing paragraph, and in that event bonds Nos. 1,251 to 2,000 and bonds Nos. 3,300 to 3,500, inclusive, and such part of bonds Nos. 3,251 to 3,300 as are not used in exchange as aforesaid), shall be placed in the hands of the Memphis Trust Company, to be certified and delivered to the party of the first part at such time or times and in such amounts as may, in the discretion of the said Memphis Trust Company, be deemed necessary and judicious, for making further expenditures for permanent improvements on or additions to the waterworks plant and property of said party of the first part. Such certification and delivery shall be made at such times and in such amounts as may be required by the Legislative Council of the City of Memphis; *provided, however*, that the Trustee herein named concurs with said Council in the necessity for such further expenditures, improvements or additions.

"The necessity for the expenditures, improvements and additions hereinbefore referred to, and the actual cash cost of the same, shall be made to appear to the satisfaction of the Memphis Trust Company from a certificate of such competent engineer as it may see proper to appoint, and from a resolution of the City Council, together with a report of the City Engineer approving such expenditure, the cost of such examination and report, so far as the Memphis Trust Company is concerned, to be borne by said company." And,

Whereas, The Water Commissioners have filed their petition with this Council, setting forth that they have expended in improvements and construction \$83,980.40 in excess of the bonds heretofore issued for that purpose, and setting forth furthermore that the sum of \$116,019.60 is necessary for the payment of further permanent improvements and additions to the waterworks plant, to be made in the near future, and stating that it

WATER BONDS.

is necessary that bonds to an extent of \$200,000.00 be sold for the purpose of paying for the said permanent improvements already made and those now contemplated; and,

Whereas, The City Engineer has submitted to the Legislative Council his written report approving such expenditures; therefore be it

To sell
\$200,000 of
water bonds.

Sec. 1182. *Resolved*, That the Legislative Council of the City of Memphis hereby approves such expenditures and declares that it is necessary that \$200,000.00 of the said bonds be sold for the purpose of paying for such permanent improvements, which improvements the Legislative Council now declares to be necessary and judicious; be it further

Resolved, That the Bank of Commerce & Trust Company (formerly Memphis Trust Company), Trustee as aforesaid, be and is hereby requested to certify bonds Nos. 1,452 to 1,651, inclusive, each of the denomination of \$1,000.00, aggregating \$200,000.00, and deliver same to the City of Memphis when the same shall have been sold, as hereinafter provided; be it further

Advertise for
bids.

Resolved, That the Mayor and Secretary are hereby instructed to advertise and sell said bonds at public sale, by and after inviting sealed bids, by advertising for eleven consecutive days in at least one daily newspaper published in the City of Memphis and in at least one financial paper published in the City of New York, N. Y., and also in one such paper in the City of Chicago, Ill., and said bonds shall not be sold at a price below their face or par value, free from any sales, commissions or brokerage, and no bid shall be received for less than par and accrued interest; be it further

Bids.

Resolved, That no bid for said bonds shall be received unless it is accompanied by a check for \$5,000.00, payable to the order of E. M. Douglass, City Register, and certified by some bank doing

WATER BONDS.

business in the City of Memphis, the said check to be collected and the proceeds forfeited to the City of Memphis in the event the purchaser of the bonds fails to carry out the terms of his purchase. The checks of unsuccessful bidders will be immediately returned to them; be it further

Resolved, That the sale of these bonds shall take place on Sale, Wednesday, the 18th day of April, 1906, and that notice of such sale shall require all bidders to file their bids with the City Register not later than 12 o'clock, noon, on said date, the 18th day of April, 1906, at which time the Legislative Council shall convene for the purpose of opening the bids and awarding the bonds on that day to the highest and best bidder, for cash; be it further

Resolved, That upon the sale of said bonds, the proceeds thereof shall be paid over to the Water Commissioners, to be deposited and kept by them, as provided by Section 4 of the mortgage aforesaid, and expended by them solely for the purpose of paying for permanent improvements of the artesian water plant, as above set forth, and for no other purpose; be it further

Proceeds.
How applied.

Resolved, That this resolution be published in the Memphis News Scimitar, as provided by Section 3 of the Acts of 1903, Chapter 339; be it further

Resolved, That this resolution take effect from and after its passage.¹

¹ Article 74 passed March 10, 1906.

WATER BONDS.

NO. 4.

RESOLUTION.

Preamble.

Whereas, Under the terms of the trust deed executed by the City of Memphis to the Bank of Commerce & Trust Company, of date May 4, 1903, conveying to said trust company as Trustee, the artesian water works, for the purpose of securing certain bonds therein mentioned, it was provided as follows:

"It is further understood and agreed that bonds Nos. 1251 to 2000, inclusive, and Nos. 3251 to 3500, inclusive, (unless bonds Nos. 3251 to 3300 or part thereof shall be used as provided in the foregoing paragraph, and in that event bonds Nos. 1251 to 2000 and bonds Nos. 3300 to 3500, inclusive, and such part of bonds Nos. 3251 to 3300 as are not used in exchange as aforesaid) shall be placed in the hands of the Memphis Trust Company to be certified and delivered to the party of the first part at such time or times, and in such amounts as may, in the discretion of the said Memphis Trust Company, be deemed necessary and judicious for making further expenditures for permanent improvements on or additions to the water works plant and property of said party of the first part. Such certification and delivery shall be made at such times and in such amounts as may be required by the Legislative Council of the City of Memphis; *provided, however*, that the Trustee herein named concurs with said Council in the necessity for such further expenditures, improvements or additions. The necessity for the expenditures, improvements and additions hereinbefore referred to and the actual cost of the same shall be made to appear to the satisfaction of the Memphis Trust Company, from a certificate of such competent engineer as it may see proper to appoint, and from a resolution of the City Council, together with a report of the City Engineer approving such expenditures, the cost of such examination and report, so far as the Memphis Trust Company is concerned, to be borne by said company."

WATER BONDS.

Whereas, The Water Commissioners have filed their petition with this Council, setting forth that they have expended in improvements and construction \$36,170.04 in excess of the bonds heretofore issued for that purpose, and setting forth furthermore that the sum of \$163,829.96 is necessary for the payment of further permanent improvements and additions to the water works plant to be made in the near future, and stating that it is necessary that bonds to the extent of \$200,000 be sold for the purpose of paying for the said permanent improvements already made, and those now contemplated; and

Expenditures made and to be made.

Whereas, The City Engineer has submitted to the Legislative Council his written report approving such expenditures; therefore be it

Approval of City Engineer.

Sec. 1183. *Resolved*, That the Legislative Council of the City of Memphis hereby approve such expenditures, and declares that it is necessary that \$200,000 of the said bonds be sold for the purpose of paying for such permanent improvements, which improvements the Legislative Council now declares to be necessary and judicious.

Sec. 1184. The Bank of Commerce and Trust Company (formerly the Memphis Trust Company), Trustee as aforesaid, be and is hereby requested to certify bonds Nos. 1652 to 1851, inclusive, each of the denomination of \$1,000, aggregating \$200,000, and deliver same to the City of Memphis when the same shall have been sold, as hereinafter provided.

\$200,000 bonds to be certified.

Sec. 1185. The Mayor and City Register are hereby instructed to advertise for sale said bonds at public sale, by and after inviting sealed bids, by advertising for eleven consecutive days in at least one daily newspaper published in the City of Memphis, and in at least one financial paper published in the City of New York, and also in one such paper in the City of Chicago, Ill.,

Advertisement.

WATER BONDS.

and said bonds shall not be sold at a price below their face or par value, free from any sales commissions or brokerage, and no bids shall be received for less than par and accrued interest.

Bids.

Sec. 1186. No bid for said bonds shall be received unless it is accompanied by a check for \$5,000, payable to the order of E. M. Douglass, City Register, and certified by some bank doing business in the City of Memphis, the said check to be collected and the proceeds forfeited to the City of Memphis in the event the purchaser of the bonds fails to carry out the terms of his purchase. The checks of the unsuccessful bidders will be immediately returned to them.

Sale.

Sec. 1187. The sale of these bonds shall take place on Monday, the 15th day of July, 1907, and that notice of such sale shall require all bidders to file their bids with the City Register not later than 12 o'clock, noon, on said date, the 15th day of July, 1907, at which time the Legislative Council shall convene for the purpose of opening the bids and awarding the bonds on that day to the highest and best bidder for cash.

Proceeds.

Sec. 1188. Upon the sale of said bonds the proceeds thereof shall be paid over to the Water Commissioners, to be deposited and kept by them as provided in Section 4 of the mortgage aforesaid, and expended by them solely for the purpose of paying for permanent improvements of the artesian water plant, as above set forth, and for no other purpose. Be it further

Resolved, That this resolution be published in the Memphis Commercial Appeal, as provided by Section 3 of the Acts of 1903, Chapter 339.¹

¹ Passed final reading Thursday, June 27, 1907.

NO. 5.

ORDINANCE.

An ordinance authorizing the issue and sale of \$1,009,000 water bonds of the City of Memphis.

Whereas, under and by virtue of the provisions of an Act of Preamble.
the General Assembly of the State of Tennessee, passed and approved on January 28, 1899, being Chapter 32 of the Acts of 1899, and an act of the General Assembly of said state amendatory thereof, approved April 14, 1903, being Chapter 339 of the Acts of 1903, and the Constitution and other statutes of said state, in such case made and provided, and ordinances and proceedings of the City of Memphis duly had and adopted, said city acquired and purchased the water properties, plants and franchises of the Artesian Water Company, and authorized an issue of water bonds of said city in an amount not exceeding \$3,500,000, for the purpose of enabling said city to make such purchase, and to provide for the retiring of the bonded indebtedness of said Artesian Water Company, which indebtedness was assumed and agreed to be paid by said City of Memphis as a part of the purchase price of such properties, and for the purpose of making such improvements upon and extensions of said water properties and plants as might become necessary; and,

Whereas, There are outstanding and unpaid bonds of said Artesian Water Company to the amount in par value of \$1,009,000, which bonds were assumed and agreed to be paid by said city, and are a part of the bonds of said Artesian Water Company described in the mortgage made by the City of Memphis to the Memphis Trust Company, Trustee, dated May 1, 1903, to secure the payment of said \$3,500,000 water bonds of said city; and,

Whereas, under the terms of said mortgage and of the ordinances and proceedings of said City of Memphis authorizing the issue of said \$3,500,000 water bonds, there were deposited in the

WATER BONDS.

possession of the Memphis Trust Company \$1,300,000 par value of said \$3,500,000 water bonds of said city, said \$1,300,000 bonds being numbered from 2001 to 3300, both inclusive, and said \$1,300,000 bonds, numbered as aforesaid, being so deposited in trust for the purpose of providing for the purchase or acquisition of outstanding bonds of said Artesian Water Company described in said mortgage and assumed and agreed to be paid by said city; and it is necessary or desirable that \$1,009,000 bonds of said \$1,300,000 bonds shall be sold and the proceeds thereof applied to the purchase or acquisition of said \$1,009,000 outstanding and unpaid bonds of said Artesian Water Company; now, therefore,

To sell \$1,-
009,000 water
bonds—
numbers, etc.

Sec. 1189. *Be it ordained by the Legislative Council of the City of Memphis*, That said City of Memphis issue and sell at not less than par and accrued interest, \$1,009,000 out of said \$1,300,000 water bonds of said city, being part of said issue of \$3,500,000 water bonds of said city, issued in accordance with and described in said mortgage made by said City of Memphis to the Memphis Trust Company, Trustee, dated May 1, 1903, said \$1,009,000 bonds being of the denomination of \$1,000 each, \$9,000 of said bonds being numbered from 2292 to 2300, both inclusive, and being payable May 1, 1909, \$50,000 of said bonds, being numbered from 2301 to 2350, both inclusive, and being payable May 1, 1910, and \$50,000 of said bonds, being numbered from 2351 to 2400, both inclusive, and being payable May 1, 1911, and so on, \$50,000 bonds being payable May 1 each year of the next succeeding numbers to and including bond numbers 3300, the last \$50,000 bonds thereof, numbers 3251 to 3300, both inclusive, being payable May 1, 1929.

Bids.

Sec. 1190. The Mayor and City Register are hereby authorized and instructed to invite sealed bids for said bonds up to 2:30 o'clock p.m., January 27, 1909, by advertisement for eleven

WATER BONDS.

consecutive days in the Memphis News Scimitar, a daily newspaper published in the City of Memphis, and a similar or a shorter notice in such other newspapers published in said city, or in other cities, as they may deem best. Said bonds shall be sold at public sale only, and at a price not below the par or face value thereof, free from any sales commission or brokerage. The advertisement for said bonds in said Memphis News Scimitar may be in substantially the following form:

MEMPHIS, TENNESSEE, WATER BONDS.

\$1,009,000

BIDS FOR BONDS INVITED.

Notice is hereby given that the City of Memphis will receive sealed bids at the office of Ennis M. Douglas, City Register of the City of Memphis, Tennessee, at the City Hall in said city, until 2:30 p.m., on January 27, 1909, for \$1,009,000 City of Memphis water bonds, dated May 1, 1903, being part of an issue of \$3,500,000 bonds authorized by Chapter 32 of the Acts of 1899, as amended by Chapter 339 of the Acts of 1903, \$9,000 bonds, numbered from 2292 to 2300, both inclusive, being payable May 1, 1909; \$50,000 bonds, numbered from 2301 to 2350, both inclusive, being payable May 1, 1910, and \$50,000 of said bonds, numbered from 2351 to 2400, both inclusive, being payable May 1, 1911, and so on, \$50,000 bonds being payable May 1 each year of the next succeeding numbers to and including bond number 3300, the last \$50,000 bonds thereof, numbers 3251 to 3300, both inclusive, being payable May 1, 1929. Said bonds bear interest at the rate of 4 per centum per annum, payable semi-annually, May 1 and November 1.

Form of
advertis-
ement for
bids.

Said bonds are an absolute and general obligation of the City of Memphis, and are also secured by a first mortgage on all the waterworks plant of said city, said mortgage and the statutes authorizing the same making full provisions by which, in the

Bonds, gen-
eral obliga-
tion of city.

WATER BONDS.

event of possible foreclosure a purchaser at foreclosure sale has exclusive franchise and can charge rate sufficient to pay the principal and interest of said bonds.

Sale.

No more of said \$1,009,000 bonds shall be issued and delivered to the successful bidder than will be necessary, together with any premium they may bring, to produce the sum of \$1,009,000. No bid of less than par and accrued interest will be considered. Each bid must be accompanied by a certified check on a responsible bank or trust company, located in Memphis, payable to the order of the City of Memphis, for 1 per centum of the par amount of bonds bid for, the bonds to be delivered and paid for at the Farmers' Loan & Trust Company, in the City and State of New York, as early as practicable after the sale of the bonds, and after five days' notice to the purchaser.

The right is reserved to reject any and all bids.

The legality of the bonds and mortgage and all proceedings for issuance of same have been approved by Dillon & Hubbard, copy of whose opinion will be furnished to the successful bidder.

Copy of circular giving statistics as to the City of Memphis, and copy of bond, mortgage and statutes under which bonds are issued, also blank forms for bids, can be obtained from the undersigned or from Dillon & Hubbard.

.....Mayor.

.....City Register.

Sec. 1191. The sealed bids shall be opened by the Legislative Council of the City of Memphis at 2:30 p.m., January 27, 1909, and action taken immediately thereon.

Proceeds.

Sec. 1192. The proceeds of the sale of said bonds shall be applied to the purchase or acquisition of the \$1,009,000 outstanding and unpaid bonds of the Artesian Water Company, described in the mortgage of the City of Memphis to the Memphis Trust Company, Trustee, dated May 1, 1903, assumed and agreed to be

WATER BONDS.

paid by said city, and said old bonds shall be deposited with the Trustee under said mortgage dated May 1, 1903, to be dealt with as provided in said mortgage.

Sec. 1193. This ordinance shall, after its introduction, be published once in the Memphis News Scimitar, a daily newspaper published in the City of Memphis.¹

NO. 6.

ORDINANCE.

AWARD AND SALE OF \$1,009,000 WATER BONDS.

Whereas, the City of Memphis passed an ordinance entitled, "An Ordinance Authorizing the Issue and Sale of \$1,009,000 Water Bonds of the City of Memphis," which ordinance was duly approved by the Mayor on January 11, 1909, and published as required by law, said ordinance providing that said \$1,009,000 water bonds should be advertised for sale, bids to be received at 2:30 o'clock p.m., January 27, 1909, action to be taken on said bids by the Legislative Council of said city; and,

Whereas, said bonds have been duly advertised for sale, as provided in said ordinance, and bids have been received for said bonds, and John H. Watkins having bid par and accrued interest on said bonds, is the highest bidder therefor; now, therefore,

Sec. 1194. *Be it ordained by the Legislative Council of the City of Memphis*, That said \$1,009,000 water bonds described in said ordinance be and the same are hereby sold and awarded to said John H. Watkins, at said purchase price; and the proper officers of this city and the Bank of Commerce & Trust Company, formerly the Memphis Trust Company, Trustee under the mortgage dated May 1, 1903, to secure the payment of \$3,500,000 bonds, of which said \$1,009,000 bonds are a part, be and the same are hereby authorized and instructed to cause said \$1,009,000

¹ Sections 1189 to 1193 (No. 5 ordinance) passed January 11, 1909.

WATER BONDS.

bonds to be delivered to the purchaser thereof on payment of the purchase price therefor, such purchase price to be paid to the Farmers' Loan & Trust Company, in the City and State of New York, which company is to receive the same on behalf of the City of Memphis and apply the same in payment of the \$1,009,000 outstanding water bonds of the Artesian Water Company mentioned in said ordinance, and the receipt of said Farmers' Loan & Trust Company to said purchaser for such purchase price shall be a full acquittance to the purchaser, and the purchaser shall not be bound to see to the application of the purchase money.

Sec. 1195. This ordinance shall, after its introduction, be published once in the Memphis News Scimitar, a daily newspaper published in the City of Memphis.¹

NO. 7.

RESOLUTION.

Whereas, under the terms of the trust deed executed by the City of Memphis to the Memphis Trust Company, now the Bank of Commerce & Trust Company, of date May 4, 1903, conveying to said trust company, as Trustee, the artesian water works, for the purpose of securing certain bonds therein mentioned, it was provided as follows:

Preamble.

"It is further understood and agreed that bonds Nos. 1251 to 2000, inclusive, and Nos. 3251 to 3500, inclusive, (unless bonds Nos. 3251 to 3300, or part thereof, shall be used as provided in the foregoing paragraph, and, in that event, bonds Nos. 1251 to 2000 and bonds Nos. 3300 to 3500, inclusive, and such part of bonds Nos. 3251 to 3300 as are not used in exchange as aforesaid), shall be placed in the hands of the Memphis Trust Company, to be certified and delivered to the party of the first part, and at such time or times, and in such amounts as may, in the

¹ Ordinance making award of \$1,009,000 Water Bonds passed January 30, 1909.

WATER BONDS.

discretion of the said Memphis Trust Company, be deemed necessary and judicious for making further expenditures for permanent improvements on or additions to the waterworks plant and property of said party of the first part. Such certification and delivery shall be made at such times and in such amounts as may be required by the Legislative Council of the City of Memphis, *provided, however*, that the Trustee herein named concurs with said Council in the necessity for such further expenditures, improvements or additions. The necessity for the expenditures, improvements and additions hereinbefore referred to, and the actual cash cost of the same, shall be made to appear to the satisfaction of the Memphis Trust Company from a certificate of such competent engineer as it may see proper to appoint, and from a resolution of the City Council, together with a report of the City Engineer approving such expenditures, the cost of such examination and report, so far as the Memphis Trust Company is concerned, to be borne by said company."

Whereas, the Water Commissioners have filed their petition with this Council, setting forth that they have expended in improvements and construction \$101,715.94 in excess of the bonds heretofore issued for that purpose, and setting forth, furthermore, that the sum of \$148,284.06 is necessary for the payment of further permanent improvements and additions to the waterworks plant to be made in the near future, and stating that it is necessary that bonds to the extent of \$250,000 be sold for the purpose of paying for the said permanent improvements already made, and those now contemplated; and,

Whereas, the City Engineer has submitted to the Legislative Council his written report approving such expenditures; therefore, be it

Sec. 1196. *Resolved*, That the Legislative Council of the City of Memphis hereby approves such expenditures and declares that it is necessary that \$250,000 of the said bonds be sold for the

To sell \$250,-
000 water
bonds.

WATER BONDS.

purpose of paying for such permanent improvements, which improvements the Legislative Council now declares to be necessary and judicious.

Sec. 1197. The Bank of Commerce & Trust Company (formerly the Memphis Trust Company), Trustee, as aforesaid, be and is hereby requested to certify bonds No. 1451 and Nos. 1852 to 2000, inclusive, and Nos. 3301 to 3400, inclusive, each of the denomination of \$1,000, aggregating \$250,000, and deliver same to the City of Memphis when the same shall have been sold, as hereinbefore provided.

Sec. 1198. The Mayor and City Register are hereby instructed to advertise for sale said bonds at public sale, by and after inviting bids, by advertising for eleven consecutive days in at least one daily newspaper published in the City of Memphis, and said bonds shall not be sold at a price below their face or par value, free from any sales commission or brokerage, and no bid shall be received for less than par and accrued interest.

Bids.

Sec. 1199. No bid for said bonds shall be received unless it is accompanied by a check for \$5,000, payable to the order of E. M. Douglass, City Register, and certified by some bank doing business in the City of Memphis, the said check to be collected and the proceeds forfeited to the City of Memphis in the event the purchaser of the bonds fails to carry out the terms of his purchase. The checks of the unsuccessful bidders will be immediately returned to them.

Sale.

Sec. 1200. The sale of these bonds shall take place on March 4, 1909, and that the notice of such sale shall require all bidders to file their bids with the City Register not later than 2:30 o'clock p.m. on said date, at which time the Legislative Council shall convene for the purpose of opening the bids and awarding the bonds on that day to the highest and best bidder for cash.

PARK BONDS.

Sec. 1201. Upon the sale of said bonds the proceeds thereof Proceeds.
shall be paid over to the Water Commissioners, to be deposited
and kept by them as provided in Section 4 of the mortgage
aforesaid, and expended by them solely for the purpose of pay-
ing for permanent improvements of the artesian water plant, as
above set forth, and for no other purpose.

Sec. 1202. This resolution be published in the Memphis News
Scimitar, as provided by Section 3 of the Acts of 1903, Chapter
339.¹

ARTICLE 74.

ORDINANCE NO. 1.

Providing for the issue of \$250,000 of bonds for the purchase and
improvement of parks and parkways.

Sec. 1203. *Be it ordained by the Legislative Council of the* City may
issue \$250,-
000 park
bonds.
City of Memphis, That under and by virtue of the provisions of
Chapter 142, of the Acts of the regular session of the Legislature
of the State of Tennessee of 1899, the City of Memphis will
issue, and the Mayor and Secretary of the Board of Fire and
Police Commissioners are hereby authorized to execute and
deliver, \$250,000 of bonds, to be designated as "Memphis Park
Bonds," the same to be issued, and the proceeds thereof to be
used exclusively for the purpose of acquiring and improving
parks and parkways for public use.

Sec. 1204. *Be it further ordained,* That there shall be five Bonds to be
dated Jan. 1,
1901; run 30
years, and
bear 4 per
cent. interest.
hundred of said bonds of the denomination of \$500 each, and
all of said bonds shall be dated January 1, 1901. Said bonds
shall be payable thirty years after date, and shall bear interest
at the rate of 4 per cent. per annum, and said interest shall be
evidenced by attached coupons maturing semi-annually, and
the principal of said bonds shall be payable in the City of

¹ Resolution No. 7, sale \$250,000 Water Bonds, passed January 30, 1900.

PARK BONDS.

Memphis, and said interest coupons shall be payable in the City of New York or in the City of Memphis. Said coupons shall each bear the lithographed signature of the Mayor and of the Secretary of the Board of Fire and Police Commissioners of said City of Memphis.

Sec. 1205. *Be it further ordained*, That the form of said bonds and coupons shall be as follows:

STATE OF TENNESSEE, COUNTY OF SHELBY, CITY OF MEMPHIS.

PARK BONDS.

No. \$500.

Form of bond. The City of Memphis, of Shelby County, State of Tennessee, a municipal corporation created under the laws of Tennessee, hereby acknowledges itself indebted and firmly bound unto the holder of this bond in the sum of five hundred dollars, and promises and obligates itself to pay to the holder hereof, in Memphis, Tennessee, on the first day of January, 1931, the sum of five hundred dollars, with interest at the rate of 4 per cent. per annum, payable semi-annually on the first day of July and January in each year until maturity, on the presentation and surrender of the proper coupons in the City of New York or in the City of Memphis.

This bond is one of a series of bonds, aggregating \$250,000, and is duly and legally issued under and in pursuance of and in strict conformity with an ordinance of the Legislative Council of said City of Memphis, adopted on November 8, 1900, under the authority of an act of the Legislature of said State, being Chapter 142 of the Acts of 1899, entitled, "An Act to amend an Act entitled 'An Act to establish Taxing Districts in this State, and to provide the means of local government for the same,' being Chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower the Taxing Districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public." Said series of bonds, of which

PARK BONDS.

this is one, is secured by trust deeds upon certain parks and park lands owned by said City of Memphis, and fully described in said trust deeds.

But it is expressly provided that this bond and the coupons hereto attached shall not create or carry any general liability against the City of Memphis, but the holder of this bond, and said coupons, shall look solely to the security of said trust deeds and said parks and park lands for the payment hereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuing of this bond have been done and performed in regular and due form, as required by law, and that the total indebtedness of the City of Memphis, including this bond, does not exceed the limitations imposed by law.

In testimony whereof, this bond has been signed by the Mayor of said city, and the Secretary of the Board of Fire and Police Commissioners thereof, with the seal of said city hereunto affixed, and the coupons hereunto attached, authenticated by the lithographed signature of said Mayor, this first day of January, 1901.

CITY OF MEMPHIS.

By, Mayor.

.....,
Secretary of Board of Fire and Police Commissioners of the
City of Memphis.

(FORM OF COUPON.)

\$10.00. The City of Memphis, Shelby County, Tennessee, promises to pay to the bearer the sum of ten dollars (\$10.00) on the day of, in the City of New York, or in the City of Memphis, being for six months' interest on Park Bond No.

CITY OF MEMPHIS,

By, Mayor.

Secretary of Board of Fire and Police Commissioners.

PARK BONDS.

Mayor em-
powered to
execute
trust deed.

Sec. 1206. *Be it further ordained*, That to secure the payment of the principal of, and interest on, said bonds, the Mayor of the city is hereby authorized and empowered to execute trust deeds upon the parks and park lands aforesaid, to the Memphis Trust Company, as Trustee, the form of which deeds shall be as follows:

STATE OF TENNESSEE, COUNTY OF SHELBY, CITY OF MEMPHIS.

TRUST DEED.

Form of
trust deed.

The City of Memphis, a municipal corporation under the laws of the State of Tennessee, and of the County of Shelby, in said State, for the consideration of five dollars (\$5.00) to it in hand paid, and other good and valuable considerations hereinafter appearing, has bargained and sold, and does hereby bargain, sell, convey, grant and confirm to the Memphis Trust Company, Trustee, certain parcels of ground near to the City of Memphis, Shelby County, Tennessee, described as follows, to-wit:

.....
The said City of Memphis hereby covenants to and with the said Memphis Trust Company, Trustee, as aforesaid, that it is seized in fee of the premises aforesaid, that it has good right to grant and convey the same as herein done, that the said premises are free from encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of any and every person whomsoever.

But this is a trust deed, for the uses, purposes and trusts following, and none other, to-wit:

The said City of Memphis, by virtue of Chapter 142 of the Acts of the Legislature of 1899, has issued \$250,000 park bonds, dated the 1st day of January, 1901, payable in said city, and maturing in thirty years from date, the same bearing interest at the rate of 4 per cent. per annum, payable semi-annually in the City of New York, or in the City of Memphis, and evidenced by coupons thereto attached.

PARK BONDS.

Now, should the said City of Memphis fail to pay the principal of said bonds, or the interest, or any part thereof, upon said bonds as the same shall mature, respectively, then the said Memphis Trust Company, trustee, shall, after thirty days' advertisement in any daily newspaper published in the City of Memphis, offer the above described property for sale, and sell the same to the highest bidder for cash, and apply the proceeds, first, to the expense of making said sale; second, to the payment of said bonds and the then accrued interest thereon that shall then remain unpaid, the whole of the then unpaid bonds to at once mature, in the event aforesaid, for the purposes of said foreclosure; and all of said bonds, with accrued interest thereon, in that event, to share equally in such proceeds of sale; third, the balance, if any, to be paid to the said City of Memphis. But, should the said City of Memphis discharge the interest upon said bonds as the same shall mature, and pay the principal of the aforesaid bonds, respectively, as the same shall mature, then this trust deed shall be null and void, and the title to the premises aforesaid shall at once, and without more, revert to said City of Memphis, the said Memphis Trust Company, trustee, upon the full and final payment of the bonds and interest aforesaid, to reconvey said premises to said City of Memphis.

In witness, the Mayor of said city and the Secretary of the Board of Fire and Police Commissioners thereof, have executed this trust deed and attached thereto the seal of said city, this 1st day of January, 1901.

Sec. 1207. *Be it further ordained*, That on the back of each of said bonds said Memphis Trust Company, trustee, shall certify as follows:

"The Memphis Trust Company hereby certifies that the within
bond is one of a series of five hundred Memphis Park Bonds, ag-

Trustee's
certificate.

PARK BONDS.

gregating two hundred and fifty thousand dollars, which are equally secured by the deeds of trust therein mentioned.

"....., Trustee.

"By , President."

Passed final reading November 8, 1900.

J. J. WILLIAMS, Mayor.

Attest: W. B. ARMOUR, Secretary.

ORDINANCE NO. 2.

AN ORDINANCE to provide for the issuance of park and parkway bonds in the sum of \$1,000,000.00, under the provisions of an act of the Legislature, being House Bill No. 175, approved February 26, 1909.

May issue
\$1,000,000
bonds to
bear 4¼
per cent. in-
terest, dated
April 1, 1909,
and payable
April 1, 1959.

Sec. 1208. *Be it ordained by the Legislative Council of the City of Memphis*, That for the purpose of raising the funds to acquire the property known as the Southern Railway Company yards, in Memphis, Tennessee, and such other property in the vicinity thereof as may, in the judgment of the Park Commission, be necessary for park and parkway purposes, and to complete the park, parkway and boulevard system of the city, the City of Memphis, under the authority of and in accordance with, the provisions of the act of the General Assembly of Tennessee, approved February 26, 1909, being House Bill No. 175, will issue the negotiable bonds of the City of Memphis in the amount of one million dollars (\$1,000,000.00).

Said bonds shall bear interest at the rate of four and one-fourth (4¼) per cent. per annum, payable semi-annually, and said bonds shall bear date April 1, 1909, and shall mature April 1, 1959; and the principal and interest of said bonds shall be payable in lawful money of the United States at the office of the United States Mortgage & Trust Company, in the City of New York, State of New York, or at the City Hall in Memphis, Tennessee, at the option of the holder.

PARK BONDS.

The interest on said bonds shall be payable semi-annually, and shall be evidenced by coupons attached to said bonds, payable April 1st and October 1st of each year.

Said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each, and shall be signed by the Mayor and City Register of the City of Memphis; and the interest coupons shall bear the printed or lithographed *fac-simile* of the signature of the Mayor.

Said bonds shall be in substantially the form set forth in Form of bond. Section 2 of the act approved February 26, 1909, hereinbefore mentioned.

Sec. 1209. *Be it further ordained*, That said bonds shall be sold by the Park Commission of the City of Memphis for the best terms offered, at such times and in such amounts as the Park Commission determines, provided the said bonds shall not be sold for less than par. The cost of printing and the expenses of sale of said bonds, and a brokerage or commission to the purchasers or others not exceeding one-eighth of 1 per cent. of the amount of bonds sold, may be paid out of the proceeds of sale of said bonds, whether the same are sold at par or above par. Said Park Commission shall have entire charge and control of the sale of said bonds, and the Mayor and City Register shall execute and deliver the same, when called upon so to do by said Park Commission.

Sold by Park Commission—how and when.

Sec. 3. *Be it further ordained*, That the entire proceeds of the sale of said bonds, when and as sold, shall be paid over to the Park Commission, and, after the payment of the cost of printing and all expenses of the sale of said bonds, the proceeds of sale shall be used as follows:

Proceeds of sale—how to be used.

1. Not more than the sum of five hundred thousand dollars (\$500,000.00) shall be used for the acquisition, by private negotiation or condemnation, of the property in the City of Mem-

Southern Railway yards.

PARK BONDS.

phis known as the Southern Railway Company's yards, and such other property in the vicinity thereof as, in the judgment of the Park Commission, may be necessary for park purposes and parkways and boulevards in connection therewith; *provided*, that if said Southern Railway Company's yards cannot be acquired on terms reasonable and proper, in the judgment of the Park Commission of said City of Memphis, bonds to the extent of five hundred thousand dollars (\$500,000.00) only shall be issued hereunder, and the proceeds thereof shall be used as hereinafter provided.

2. The residue of the proceeds of sale of said bonds, or, in the event said Southern Railway Company's yards cannot be acquired as provided herein, then the proceeds of sale of bonds in the sum of five hundred thousand dollars (\$500,000.00) shall be used in completing the system of parks, parkways and boulevards of the City of Memphis, and shall be used and expended by said Park Commission in such manner as it deems best for completing and perfecting said system.

Commission
to pay in-
terest.

Sec. 1210. *Be it further ordained*, That the Park Commission of the City of Memphis is hereby given irrevocable power and authority, and is directed to pay the interest on said bonds evidenced by the coupons thereto attached, as the same matures, out of the taxes collected by said Park Commission under the existing law.

Faith of city
pledged for
payment, etc.

Sec. 1211. *Be it further ordained*, That the City of Memphis does hereby pledge its full faith and credit for the payment of the principal and interest of all of said bonds, according to their tenor; and the City of Memphis hereby pledges and obligates itself, in addition to all other taxes authorized by law, to levy a tax to pay said bonds and coupons at their maturity, provided that the tax levied for said Park Commission shall not be sufficient to pay said bonds and coupons as they severally become due.

STREET IMPROVEMENT BONDS.

Sec. 1212. *Be it further ordained*, That this ordinance shall, without any other ordinance or act upon the part of the Legislative Council, be full and complete authority for the issuance of said bonds, and for the sale and delivery thereof by the Park Commission of the City of Memphis. Full authority to issue bonds.

Said bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings or the issue and sale thereof, and shall be incontestable in the hands of *bona fide* holders for value. Bonds not invalid for any irregularity.

All ordinances and parts of ordinances, general or special, so far as they are inconsistent with this ordinance, are hereby repealed.

Sec. 1213. *Be it further ordained*, That said bonds shall be sold to the highest bidder after being advertised daily for thirty (30) days in some newspaper published in the City of Memphis, by the Park Commission.¹ To be sold to highest bidder.

Passed final reading April 16th, 1909.

ARTICLE 75.

ORDINANCE.

AN ORDINANCE authorizing the issuance and sale of street improvement bonds of the City of Memphis, Series 1, of 1909, to provide means to pay not exceeding two-thirds of the estimated cost of certain street improvements, and repealing the provisions of any and all ordinances and resolutions inconsistent herewith.

Whereas, by resolution of the Legislative Council of the City of Memphis, heretofore adopted and approved by the Mayor on the 7th day of January, 1909, the offer of the Bank of Commerce & Trust Company to purchase at par and accrued interest \$252,000 par value of the 6 per cent. certificates of indebtedness of Preamble.

¹ Ordinance No. 2 passed April 16, 1909.

STREET IMPROVEMENT BONDS.

the City of Memphis, to be issued in the amounts and under the various improvement certificate ordinances mentioned in said resolution was accepted, which ordinances are hereby referred to by their numbers as follows: Improvement Certificate Ordinances Nos. 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 22, 24, 26, 27, 30, 31, 32, 34, 35, 37, 39, 40, 41, 44 and 46; and,

Whereas, in and by a certain resolution of the Legislative Council, adopted January 9, 1909, supplemental to said last named resolution, a statement of the amounts of said certificates of indebtedness so awarded and sold under each of said improvement certificate ordinances, respectively, was ordered spread on the minutes, together with a statement of the respective amounts authorized by said improvement certificate ordinances, and a statement of the difference in each case between the amounts authorized and the amounts so sold, from which it appears that said differences amount, in the aggregate, to the sum of \$8,100; and,

Whereas, none of said certificates of indebtedness so agreed to be purchased and sold have been executed or delivered except the certificates sold under Improvement Certificate Ordinance No. 3, in the amount of \$13,500; and,

Whereas, it is deemed advisable, instead of issuing the balance of said certificates of indebtedness (other than those heretofore issued and delivered under Improvement Certificate Ordinance No. 3), to issue and deliver street improvement bonds under and pursuant to the provisions of an act passed by the General Assembly of the State of Tennessee, on the 15th day of February, 1909, and approved by the Governor on the 20th day of February, 1909, known as Senate Bill No. 282, amending Chapter 341 of the Acts of 1907, approved April 11, 1907, and to include in said issue of bonds the additional amount of \$6,000, representing a portion of the aggregate excess of the amounts authorized by said improvement certificate ordinances (other than Improve-

STREET IMPROVEMENT BONDS.

ment Certificate Ordinance No. 3) over and above the amount so awarded said Bank of Commerce & Trust Company, thus making the amount of bonds to be issued hereunder \$245,000, a sum not in excess of two-thirds of the total estimated cost of the improvements more particularly described in said improvement certificate ordinances (other than Improvement Certificate Ordinance No. 3); and,

Whereas, it is deemed advisable to provide in said bonds that they shall mature and be payable at the respective due dates mentioned therein without any right or option of the City of Memphis to pay the principal thereof prior to their respective dates of absolute maturity; and,

Whereas, said Bank of Commerce & Trust Company has agreed to accept the bonds hereinafter authorized in the aggregate amount of \$245,000, without option of redemption prior to the dates of their absolute maturity, in lieu of the balance of the certificates of indebtedness heretofore awarded them, not as yet executed or delivered, and to pay therefor par and accrued interest; and,

Whereas, the Legislative Council has heretofore estimated and does hereby estimate the cost of the various street improvements hereinbefore referred to (other than the improvement described in Improvement Certificate Ordinance No. 3), said ordinances being referred to by their numbers; No. 1, Laclede avenue, between La Belle place and Lauderdale street, \$3,340.00; No. 2, Orleans street, between Beale avenue and Tate street, \$9,750.00; No. 4, Belvedere place, between Union avenue and Poplar avenue, \$7,816.25; No. 5, College street, between East McLemore avenue and Trigg avenue, \$3,947.38; No. 7, Gaston avenue, between Patton street and South Wellington street, \$5,866.07; No. 9, Azalia street, between East McLemore avenue and East Trigg avenue, \$5,611.26; No. 10, Pine street, between Union avenue and Linden avenue, \$3,071.68; No. 12, South Willett street, between Harbert

STREET IMPROVEMENT BONDS.

avenue and Central avenue, \$4,096.26; No. 13, North Montgomery street, between Poplar avenue and Autumn avenue, \$8,810.73; No. 14, Beale avenue, between South Fourth street and South Orleans street, \$15,832.50; No. 15, Jackson avenue, between North Manassas street and North Bellevue boulevard, \$15,740; No. 16, Decatur street, between Jackson avenue and Vollandine avenue, \$9,428.27; No. 17, North Dunlap street, between Jackson avenue and Keel avenue, \$10,447.55; No. 18, Peabody avenue, between East street and South Somerville street, \$6,477.00; No. 22, Ayres street, between Jackson avenue and Vollandine avenue, \$9,330.55; No. 24, Carr avenue, between South Somerville street and South Bellevue boulevard, \$4,053.60; No. 26, Rozelle street, between Central avenue and Harbert avenue, \$3,655.00; No. 27, East Joseph place, between Ayers street and Breedlove street, \$4,873.95; No. 30 Woodlawn street, between Jackson avenue and Looney avenue, \$4,042.50; No. 31, Jackson avenue, between North Main street and Auction avenue, \$12,678.60; No. 32, Jackson avenue, between Auction avenue and North Manassas street, \$7,074.04; No. 34, Peabody avenue, between South McLean boulevard and South Rembert street, \$6,080.82; No. 35, Florida avenue, between Virginia avenue and Trigg avenue, \$22,313.44; No. 37, Linden street, between LeMaster street and South McLean boulevard, \$3,767.30; No. 39, Madison avenue, between Piomingo avenue and Cooper street, \$162,750; No. 40, Rayner street, between Lamar avenue and East McLemore avenue, \$7,344.00; No. 41, North Montgomery street, between Madison avenue and Jefferson avenue, \$3,816.40; No. 44, Central avenue, between Cooper street and South Barksdale street, \$7,212.00; No. 46, Tate avenue, between South Orleans street and Walnut street, \$3,306.50; the total estimated amount of the cost of all the said improvements aggregating \$372,533.65.

Issue \$245,000
street im-
provement
bonds.

Sec. 1214. *Be it ordained by the Legislative Council of the City of Memphis,* That under and by virtue of the provisions of

STREET IMPROVEMENT BONDS.

Chapter 341 of the Acts of the General Assembly of the State of Tennessee, for the year 1907, as amended and supplemented by the act approved February 20, 1909, known as Senate Bill No. 282, the City of Memphis will issue, and the Mayor and Register are hereby authorized to execute and deliver, \$245,000 in street improvement bonds, negotiable and payable to bearer, the same to be issued and the proceeds thereof to be used exclusively in the payment of the cost of the improvement of the streets last above referred to, and more particularly described in the ordinances hereinbefore recited (other than the improvement referred to in Improvement Certificate Ordinance No. 3).

Sec. 1215. Said bonds shall be issued in the denomination of \$1,000 each, and shall be dated the 1st day of March, 1909; one-fifth of said bonds shall mature in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years from their date, without option of prior redemption; they shall bear interest at the rate of 6 per cent. per annum, to be evidenced by attached coupons, maturing semi-annually on the first days of March and September in each year; principal and interest thereon shall be payable at the office of the City Register, in the City of Memphis, Tennessee, or at the office of the United States Mortgage & Trust Company, in the City of New York, at the option of the holder.

Bonds payable in five equal installments.

Sec. 1216. The proceeds arising from the collection of assessments levied or to be levied for the improvements hereinbefore referred to be, and the same hereby are, set apart as a fund pledged for the payment of the principal and interest of said bonds; and the full faith and credit of the City of Memphis are hereby pledged for the payment of said principal and interest.

Proceeds from assessments set aside to pay bonds.

STREET IMPROVEMENT BONDS.

Form of bond. Sec. 1217. *Be it further ordained*, That the form of said bonds and coupons shall be substantially as follows:

UNITED STATES OF AMERICA,

STATE OF TENNESSEE,

CITY OF MEMPHIS.

STREET IMPROVEMENT BOND. SERIES 1 OF 1909.

No. \$1,000.

The City of Memphis, Tennessee, a municipal corporation organized and existing under the laws of the State of Tennessee, for value received, hereby acknowledges itself indebted and promises to pay to the bearer the sum of one thousand dollars lawful money of the United States, on the 1st day of March, 19...., with interest thereon at the rate of 6 per cent. per annum, payable semi-annually, on the 1st days of March and September, in each year, until this bond is paid, upon presentation and surrender of the annexed coupons as they severally fall due, both principal and interest being payable at the office of the City Register, in Memphis, Tennessee, or at the office of the United States Mortgage & Trust Company, in the City of New York, at the option of the holder.

This bond is issued under and in pursuance of and in strict conformity with an act of the General Assembly of the State of Tennessee, approved April 11, 1907, being Chapter 341 of the Acts of the year 1907, as amended and supplemented by an act approved February 20, 1909, known as Senate Bill No. 282, and other statutes, and the Constitution of said State, and the charter of said city, in such cases made and provided, and under and pursuant to ordinances and proceedings of said city, duly adopted and had, and to provide means to pay not exceeding two-thirds of the estimated cost of certain street improvements.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this bond, in order to make

STREET IMPROVEMENT BONDS.

this bond a legal, valid and binding obligation of the City of Memphis, have been done, existed and been performed, in regular and due time, form and manner as required by law, and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the Constitution or statutes of said State or the charter of said city. The full faith and credit of the City of Memphis are hereby pledged for the prompt payment of the principal and interest of this bond as the same become due.

In witness whereof, the Mayor of said City of Memphis and the City Register of said city have signed this bond and attached the seal of said city, and caused the interest coupons hereto attached to be signed with the *fac-simile* signatures of said Mayor and said City Register, and this bond to be dated the 1st day of March, 1909.

....., Mayor.

....., City Register.

FORM OF COUPON.

No..... \$30.00

On the first day of, 19...., the City of Memphis, Tennessee, will pay to the bearer, at the office of the City Register, in Memphis, Tennessee, or at the office of the United States Mortgage & Trust Company, in the City of New York, at the option of the holder, thirty dollars (\$30.00), being six months' interest then due on street improvement bond of said city, dated the first day of March, 1909, series 1 of 1909.

Form of
coupon.

No.....

....., Mayor.

....., City Register.

Sec. 1218. Upon the execution of said bonds, the Mayor be, and he hereby is, authorized to deliver said bonds to said Bank

Delivery
of bonds.

POLICE STATION BONDS.

of Commerce & Trust Company, upon the payment of the purchase price therefor.

Sec. 1219. The provisions of any and all ordinances or resolutions inconsistent herewith be, and the same hereby are, repealed.

Passed final reading Friday, March 5, 1909.

ARTICLE 75A.

ORDINANCE.

AN ORDINANCE to provide for the issuance of police station bonds in the sum of \$260,000.00 under the provisions of an act of the Legislature, being Senate Bill No. 484, Chapter 356, approved April 30, 1909.

Section 1. *Be it ordained by the Legislative Council of the City of Memphis*, That for the purpose of raising funds for the erection of the police station and an engine house in said city, and for tearing down an old engine house in said city, the City of Memphis, under the authority of, and in accordance with, the provisions of the act of the General Assembly of Tennessee, approved April 30, 1909, being Senate Bill No. 484, will issue the negotiable bonds of the City of Memphis in the amount of \$260,000.00. Said bonds shall bear interest at the rate of four (4) per cent. per annum, payable semi-annually, and said bonds shall bear the date August 1, 1909, and shall mature August 1, 1949; and the principal and interest of said bonds shall be payable in lawful money of the United States at the office of the United States Mortgage & Trust Company, in the City of New York, State of New York, or at the City Hall in the City of Memphis, Tennessee, at the option of the holder. The interest on said bonds shall be payable semi-annually, and shall be evidenced by coupons attached to said bonds, payable August and February of each year. Said bonds shall be of the denominations of \$1,000.00 each, and shall be signed by the Mayor and City Register of the

Issue \$260,000
bonds.

Interest.

POLICE STATION BONDS.

City of Memphis; and the interest coupons shall bear the printed or lithographed *fac-simile* of the signature of the Mayor. Said bonds shall be in substantially the form set forth in Section 4 of the act approved April 30, 1909, hereinbefore mentioned.

Sec. 2. *Be it further ordained*, That said bonds shall be sold by the Police Station Building Commission for the highest terms offered, provided the said bonds shall not be sold for less than par. The cost of printing and the expenses of sale of said bonds and the brokerage or commission to the purchaser, not exceeding one-eighth of 1 per cent. of the amount of the bonds sold, may be paid out of the proceeds of sale of said bonds, whether the same are sold at par or above par.

How to
be sold.

Sec. 3. *Be it further ordained*, That when said bonds are issued by the Legislative Council of the City of Memphis they shall be turned over to the Police Station Building Commission, under the provisions of Senate Bill No. 484 of the General Assembly of the State of Tennessee above mentioned, and for the uses and purposes set forth in that act.

Bonds turned
over to
Commission.

Sec. 4. *Be it further ordained*, That the Police Station Building Commission is hereby given irrevocable power and authority and is directed to pay the interest on said bonds, evidenced by the coupons thereto attached, as the same matures out of taxes collected annually by the Legislative Council of the City of Memphis as directed by said act of the General Assembly of Tennessee.

Interest—by
whom paid,
etc.

Sec. 5. *Be it further ordained*, That the City of Memphis does hereby pledge its full faith and credit for the payment of the principal and interest of all of said bonds, according to their tenor; and the City of Memphis hereby pledges and obligates itself, in addition to all other taxes authorized by law, to levy a tax to pay said bonds and coupons at their maturity.

Levy tax to
pay bonds
and interest.

POLICE STATION BONDS.

Commission
to sell bonds.

Sec. 6. *Be it further ordained*, That this ordinance shall, without any other ordinance or act upon the part of the Legislative Council, be full and complete authority for the issuance of said bonds, and for the sale and delivery thereof by the Police Station Building Commission aforesaid. Said bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularities or defects in the proceedings or the issues and sale thereof, and shall be incontestable in the hands of *bona fide* holders for value. All ordinances and parts of ordinances, general or special, so far as they are inconsistent with this ordinance, are hereby repealed.

Sec. 7. *Be it further ordained*, That said bonds shall be sold to the highest bidder, after being advertised daily for thirty (30) days in some newspaper published in the City of Memphis by said Police Station Building Commission.

Sec. 8. *Be it further ordained*, That this ordinance take effect from and after its passage, the public welfare requiring it.

Passed final reading June 15, 1909.

ORDINANCES RELATING TO PUBLIC UTILITIES.

ARTICLE 76.

MEMPHIS STREET RAILWAY COMPANY. ORDINANCE NO. 1.

Sec. 1220. *Be it ordained by the Legislative Council of the* Powers granted.
City of Memphis, That the Memphis Street Railway Company, a corporation chartered under the general laws of the State of Tennessee, is hereby for a term of fifty years given permission and granted the right to construct, maintain and operate a street railroad with single or double tracks, by electric, overhead or other system that may be hereafter approved by the Legislative Council of said city, on and over all streets and highways named in the charter of said company, in as full and complete a manner and to the same extent as is in said charter authorized, and to that end said company is empowered to erect and use all necessary buildings, poles, wires and other appliances and equipments.

The above permission is given, however, upon the following terms and conditions:

1. That the said company shall keep and maintain during the Service.
entire period of its operation of said lines of railway over said streets its system of electricity in good order and repair, and give the public a first-class service.

2. That said company shall maintain in good condition and Repair of streets and bridges.
repair within its tracks, and for two feet on each outside thereof, all streets and the roadways of all bridges occupied by it in said city with its tracks.

3. That on all streets occupied by said company, and which are now paved, said company will keep the same within its

MEMPHIS STREET RAILWAY.

tracks, and for two feet on each outside thereof, in good order and repair, and will at all times maintain the same in good condition.

Unpaved
streets.

4. That on all unpaved streets occupied by said company it is to pave between its tracks, either with brick, macadam, stone, concrete, gravel or other suitable material, if agreed on between the City Council and the said company.

City to pave
portion.

5. Should the city, at any future time, pave any of said streets so occupied by said company, which are now unpaved, then the city is to pave up to a line within two feet of the outside rails of said company's tracks, and said company is to contemporaneously pave in like manner and with like material, and thereafter keep and maintain the same between said tracks, and for two feet on each outside thereof in good condition.

City to pre-
scribe kind
of pavement.

6. Should the city, at any time hereafter, determine to repave a street now or then already paved, said street car company undertakes and obligates itself, if the said city shall so direct, to repave said street, within its tracks and for two feet on each outside thereof with the same pavement (including the foundation and all incidental work thereon) that may be adopted and laid by said city on the balance of said roadway, the intent of this clause being that the said city may, from time to time, and at all times, whether a street be then already paved or not, prescribe the kind of pavement to be laid on any street, and that said street railroad company, if so directed, will, at its own expense, lay such pavement within its rails and for two feet on each outside, as may be adopted for and laid on the balance of such street by said city, so that the pavement over the entire street shall at all times be the same. The paving and incidental work thereof here undertaken to be done by said street car company shall be done concurrently and uniformly with the paving of the balance of the street by said city.

MEMPHIS STREET RAILWAY.

7. In the construction of its said lines of railroad, the said Rails used. company shall put down a tram rail, to be approved by the City Council, or such other rail as shall be specified by the City Council, and said rails shall be of such description and shall at all times be so laid and maintained as will, as far as practicable, leave the street as free from obstruction as before its use by the said company.
8. The said company shall confine itself exclusively to the Freight. carriage of passengers, except that it may carry freight for its own use.
9. Should said company fail to do the work on the streets Failure of company to maintain streets. herein contemplated and provided, between their tracks and for two feet on each outside thereof, and maintain the same as herein provided, the city, after giving said company twenty days' notice in writing of such failure, may have the same done under the direction and supervision of the Engineer of said city, at the sole expense of said company, and the actual sums paid out by said city, through its Engineer, shall be conclusive upon said company as to the amount due said city from said company for the work so done, and there shall be a first lien upon all the properties of said company as security therefor.
10. Said company shall not charge any passenger exceeding Fare charged. five cents for a single fare from one point to another within said city limits for one single continuous trip on the same car; *provided*, that no fare shall be charged for children under five years of age, when accompanied by parents or other persons in charge of them; and if, after the passage of this ordinance, it appears to the Legislative Council that Memphis is entitled to a cheaper fare, then, by resolution or ordinance, the said Council may, at any time, require said car company to sell eleven tickets for fifty cents.

MEMPHIS STREET RAILWAY.

Motive power. 11. The said company shall not use steam as a motive power, or change the motive power from the present electric system, without the consent of the said city.

Purchase of
other rail-
ways.

12. Permission is hereby expressly given by the City of Memphis to the said Memphis Street Railway Company, and it is expressly authorized and empowered to purchase from the Citizens' Street Railroad Company, of Shelby County, Tennessee, the East End Street Railway Company, the City & Suburban Railway Company, and the Memphis & Raleigh Springs Railway Company, and from any or either of them, its or their street railroad or roads, power-houses, cars, equipments and properties of every kind and description, upon such terms as may be agreed on between them and the said Memphis Street Railway Company, pursuant to the acts of the Legislature of Tennessee, passed February 8, 1895, approved February 12, 1895, and thereafter to maintain and operate same; and when said purchase or purchases shall have been made and consummated the said Memphis Street Railway Company shall become bound to carry out and perform all the terms and conditions of this ordinance in respect of said purchased lines.

Extension
of lines.

13. The foregoing grants set forth above are made upon the further condition that said Memphis Street Railway Company, within twelve months from the date hereof, will extend the Main street line south as follows: From Main street on Virginia avenue to Florida avenue, thence on Florida avenue to Gholson avenue, thence on Gholson avenue to Kansas avenue, thence on Kansas avenue to a point near the Equitable Gas Works; and will extend the Second street line north from present terminus of Citizens' Street Railroad, on Second street, or Randolph road, to a point at or beyond the Chesapeake & Ohio Railroad crossing; and will extend the Vance street line from the present terminus of Citizens' Street Railroad south on East street to Lamar

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avenue, thence in an eastwardly direction about one mile, and will have what is known as the Johnson avenue line of Citizens' Street Railroad changed so as to run direct from intersection of Johnson avenue and High street on and over Johnson avenue or Jackson street to Main street, thence south on Main street to Beale, west and south over Beale, Shelby, Calhoun and other streets now occupied to Fort Pickering. All said changes and extensions shall be made within twelve months. If such changes or extensions should be prevented by legal proceedings, the period of such prevention shall not be included in computing said period of twelve months.

14. The said company shall, for one cash fare of five cents, *Transfers.* furnish transfers during all hours of the day to 7:30 o'clock p. m. at all intersections on Main street, as now or hereafter established, and at the intersection of Madison and Second streets, and Poplar and Second streets on the Second street line for one continuous ride between any two points within said city limits as now or hereafter established; such transfer system to take effect on and after January 1, 1896, and from January 1, 1900, said company shall provide such general transfer system as will enable passengers at all hours during the operation of cars to obtain for a five-cent cash fare a continuous passage between any two points on any of its lines within said city limits, as now or hereafter established; *provided, however,* that the said railway company may make and enforce such rules and regulations in regard to transfers as to require their use at the junctions and intersections of the different lines on which said transfers are to be used, and not elsewhere, and to limit the time within which they are to be used, so that they will be available only for the first connecting car, and as to any other matters necessary to protect the said company from imposition and abuse by reason of such transfers. The system of general transfer shall be entirely to the satisfaction of the City Council.

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Conflict between ordinance and charter.

15. It is a further condition of this ordinance that in all respects in which the ordinance and the charter of the said car company may vary or conflict the ordinance shall prevail, and consent of the city to the operation of the cars of said company over its streets and the exercise in said city of the franchises of said car company being given only under the terms and conditions of this ordinance; it is further conditioned that, in the event it shall at any time be determined that any of the provisions of this ordinance are ineffective or void because in conflict or at variance with the charter, or for any other reasons whatsoever, and in the further event that said street car company shall avail itself of or in any manner take advantage of said decision, or without such decision should attempt to avail itself of any charter provision in conflict or at variance with this ordinance, then this ordinance and all its provisions and the said consent of the city are to be and become null and void.

Forfeitures.

16. The charter of said car company, taken out under the general laws of the State and this ordinance, shall be the sole and controlling one between the city and said car company, and embody all the municipal law and requirements on the subject; and, in the event said car company shall purchase the franchises, properties, etc., of the Citizens' Street Railroad Company, and either said car company or said Citizens' Street Railroad Company should, at any time after such purchase, attempt to occupy other or additional streets than those prescribed in the said charter of said Memphis Street Railway Company, and in this ordinance, then said last named company shall forfeit to the city its rights to occupy the streets now occupied by said Citizens' Street Railroad Company, and shall forfeit all the tracks laid thereon, the said Memphis Street Railway Company binding and obligating itself, in the event of said purchase, not to claim or occupy under the charter of said Citizens' Street Railroad Company, or otherwise, any of the streets of the City of Mem-

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phis, except such as are specified in the charter of said Memphis Street Railway Company, and in this ordinance.

And, in the event of the purchase aforesaid of the franchises, properties, etc., of the Citizens' Street Railroad Company, such properties, franchises, etc., shall be held and operated exclusively under the charter of said Memphis Street Railway Company and this ordinance, and said Memphis Street Railway Company shall, in no event, revert, in respect thereof, to the charter or contract rights of said Citizens' Street Railroad Company.

17. All the terms and provisions of this ordinance shall apply City limits. and be in force within the limits of said city as they are, or as they may be hereafter, established.

18. It is, however, further understood that, in the event it should be held by any court of competent jurisdiction and last resort that this ordinance is void, then nothing contained in this ordinance shall in any way affect the charters of said Citizens' Street Railroad Company, East End Street Railway Company, City & Suburban Railway Company, or Memphis & Raleigh Springs Railroad Company, or either of them, and the ordinances and contracts under which they are now operating.¹

ORDINANCE NO. 2.

Sec. 1221. *Be it ordained by the Legislative Council of the* Union street line. *City of Memphis,* That the Memphis Street Railway Company is hereby given permission and granted the right to construct, maintain and operate a street railroad on Union street, from Hernando street to Walnut street; thence on Walnut street south to Spring street; thence on Spring street east to Raleigh avenue. This grant is made under the terms and conditions of the general ordinance of date November 20, 1895.²

¹ Section 1220, Paragraphs 1 to 18, passed November 20, 1895.

² See amendment Ordinance No. 3, Section 1226, post.

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Jefferson. Sec. 1222. *Be it further ordained*, That the said Memphis Street Railway Company is also given the right to lay down and operate its tracks on and over Jefferson street, from Second street to Main street, so that it may form a continuous line on and over Union street to Second street; thence on Second street to Jefferson street; thence on Jefferson street to Main street; thence on Main street south to Union street, and thence east on Union street.³

Marshall
ave. tracks
removed. Sec. 1223. *Be it further ordained*, That as soon as the tracks are laid from Hernando street to Walnut street the Memphis Street Railway Company shall remove its tracks on Marshall avenue from Madison street to Union avenue, leaving Marshall avenue in a condition satisfactory to the Street Commissioner.

Monroe street
abandoned. Sec. 1224. *Be it further ordained*, That the Memphis Street Railway Company shall abandon and relinquish any right it may possess or has possessed on Monroe street, and it shall file a stipulation evidencing such relinquishment.

Curbing and
gutters. Sec. 1225. *Be it further ordained*, That by accepting the grant herein made, the Memphis Street Railway Company shall be bound to pay one-half of the entire cost of setting back the curbing and paving the gutters on each side of Union street, from the Bayou to Walnut street; and on Walnut street from Union street to Spring street, whenever the city shall determine to set back said curbing.¹

ORDINANCE NO. 3.

Union street.
line. Sec. 1226. *Be it ordained by the Legislative Council of the City of Memphis*, That the ordinance passed permitting the Memphis Street Railroad Company to lay its tracks on Union street
Amendment. be, and the same is hereby, amended so as to provide that the

³ See amendment resolution adopted October 9, 1902, Section 1228, post.

¹ Ordinance No. 2 passed May 18, 1889.

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tracks of the said company shall be laid on Myrtle street from Union to Beale street, and on Beale street from Myrtle street to Walnut street, and on Walnut street from Beale street to Spring street, and thence east on Spring street. And said company shall not lay any tracks on Union street from Myrtle street to Walnut street, nor on Walnut street from Union street to Beale street.¹

ORDINANCE NO. 4.

Sec. 1227. *Be it ordained by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Company is hereby granted the privilege of laying and operating a track on Pauline street, from Lamar boulevard north to Vance street, a distance of two blocks; thence west on Vance street, connecting with its present line at Vance and East streets; and said Memphis Street Railway Company is also granted privilege to construct and operate a double track on Thomas avenue, from New Raleigh road to Brinkley street; *provided, however*, these privileges and any properties, franchises or rights acquired or maintained under this ordinance shall be exercised, owned and operated strictly under the terms, conditions and provisions of the ordinance passed November 20, 1895, and also in accordance with all other regulations now or hereafter provided by law or ordinance governing the laying or operation of street cars in the city; and *provided*, that said tracks shall be laid and completed within ninety days from this date. *Provided, further*, that no powers are herein granted not specified in ordinance passed November 20, 1895, not passing on the question as to what rights, if any, were therein granted, and that in granting this petition the said Street Railway Company shall take the above named streets in the condition they are now, and all grading and filling be done without expense to the city.²

Tracks on
Pauline
street.

Thomas
avenue.

¹ Ordinance No. 3 passed November 21, 1899. See Section 1221, ante.

² Ordinance No. 4 passed May 9, 1901.

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RESOLUTION NO. 5.

Whereas, owing to the rapid growth of the city, it is deemed expedient and to the best interests thereof, that Second street be given over more exclusively to the wholesale interests of the city, and that the absence of the street railway service from this street would convenience and facilitate the said interests; therefore be it

Tracks moved
off Second
street.

Sec. 1228. *Resolved*, That the Memphis Street Railway Company is requested to remove its service from Second street, from Union street to Keel street; with the understanding, however, that if at any time it should be deemed expedient, and permission should be given to occupy this particular section of the street with any street railway, the said Memphis Street Railway Company shall then have the first right to again occupy the said street.¹

RESOLUTION NO. 6.

Tracks on
Third and
other streets.

Sec. 1229. *Be it resolved*, That the Memphis Street Railway Company is hereby given permission, subject to all the rights, privileges, conditions and obligations of the ordinance passed November 20th, 1895, to occupy with its tracks and service the following streets:

Main street from Mill street to Keel street, Keel street from Main street to Second street, Jefferson street from Second street to Third street, and Third street from Jefferson street to Union street.²

RESOLUTION NO. 7.

Extension
of tracks
on Raleigh
avenue.

Sec. 1230. *Be it resolved by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Company be, and is hereby, given right of way and permission, subject to the ordinance passed November 20, 1895, to extend its present

¹ Resolution No. 5 adopted October 9, 1902.

² Resolution No. 6 adopted October 9, 1902.

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Union and Spring street tracks from the intersection of Spring street and Raleigh avenue, its present terminus, south on Raleigh avenue to Appeal avenue, a distance of 1,100 feet, more or less.¹

RESOLUTION NO. 8.

Sec. 1231. *Be it resolved by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Company is hereby given permission, subject to all rights, privileges, conditions and obligations of the ordinance passed November 20th, 1895, to occupy with its tracks and service Florida avenue from Gholson street to the south side of Kerr avenue.²

Street Rail-
way to oc-
cupy Florida
avenue.

ORDINANCE NO. 9.

Sec. 1232. *Be it ordained by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Company is hereby granted the privilege of laying and operating a double track over a neutral strip twenty feet wide, in the center of Central avenue, from the present terminus of said street car company's tracks in Central avenue to McLean avenue; *provided, however*, these privileges and any properties, franchises or rights acquired or maintained under this ordinance shall be owned, exercised and operated strictly under the terms, conditions and provisions of the ordinance passed November 20, 1895.³

Neutral strip
on Central
avenue.

ORDINANCE NO. 10.

MEMPHIS STREET RAILWAY EXTENSION COMPANY.

Consenting to the use of streets and the laying down of railway tracks therein by the Memphis Street Railway Extension Company.

1 Resolution No. 7 adopted August 13, 1903.

2 Section 1231 adopted October 8, 1903.

3 Section 1232 passed February 4, 1904.

MEMPHIS STREET RAILWAY.

Franchise
term until
Nov. 20, 1945.

Streets
named in
charter.

Peabody
avenue.

Term of com-
pletion of
extensions.

Sec. 1233. *Be it ordained by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Extension Company, a corporation organized and existing under the general laws of the State of Tennessee, is hereby given permission and granted the right, until November 20, 1945, to construct, maintain and operate a street railroad, with single or double tracks, by electric, overhead or other system that may be hereafter approved by the Legislative Council of said city, on and over each of the streets and highways within the present and future limits of the City of Memphis, forming part of the routes named in the charter of said company, in as full and complete a manner, and to the same extent as is in said charter authorized, and to that end said company is empowered to erect and use all necessary buildings, poles, wires and other appliances and equipments.

Provided, however, that the right of the Memphis Street Railway Extension Company to traverse Peabody avenue from Raleigh avenue to McLean avenue be conditioned upon the failure of the City Street Railway Company to comply with the requirements of the ordinance of January 24, 1905, granting said last named company a franchise, and in the event of compliance therewith by said last named company the right of said Memphis Street Railway Extension Company to Peabody avenue shall not attach; but no waiver of rights of the Memphis Street Railway Company in the neutral strip on said Peabody avenue is hereby made; and,

Provided, further, that all extensions herein provided for shall be completed to the city limits by December 1, 1905, unless prevented by legal proceedings, in which event the time required for the final determination of said legal proceedings shall be added to said date December 1, 1905, under penalty that the rights conferred by this ordinance to said extensions shall be forfeited; and,

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Provided, further, that the company be required to stop all its cars to receive or discharge passengers at all street crossings and at the intersections of streets; and to fill up space between rails and two feet on outside of the outside rails on Poplar street flush with rails, and keep said space filled and flush with same.

Required to
stop cars,
etc.—where.

The permission hereby given is upon like terms and conditions set forth in an ordinance granted to the Memphis Street Railway Company by the Legislative Council of the City of Memphis, passed November 20, 1895 (except subdivision 13 thereof), and upon the following further terms and conditions:

Conditions in
ordinance
passed Nov.
20, 1895.

1. That no additional tracks shall be laid by said company on streets where tracks of the Memphis Street Railway Company already exist, but the consent hereby given with respect to such streets is to be effective only upon obtaining the authority of the Memphis Street Railway Company for the use of its tracks on such streets.

Further con-
ditions.

2. Permission, consent and approval is hereby given to the said Memphis Street Railway Extension Company to sell, lease or dispose of by any lawful contract to the Memphis Street Railway Company, all and singular, its railroads, rights, franchises and properties of every character and description.

Permission
to sell rights
hereunder.

Sec. 2. Said Memphis Street Railway Extension Company shall, in writing, within five days from the passage hereof, accept this ordinance, and all its terms and conditions.

Passed final reading Wednesday, February 22, 1905.¹

STIPULATION. THE MEMPHIS STREET RAILWAY EXTENSION COMPANY.

Copy of proceedings had and taken by the Board of Directors of the Memphis Street Railway Extension Company, at a meeting held on February 22, 1905:

¹ See amendment, Post Section 1234 et seq. Ordinance No. 11.

MEMPHIS STREET RAILWAY.

Mr. McCrea offered the following preamble and resolution, and moved the adoption of the same:

Whereas, this company heretofore made application to the Legislative Council of the City of Memphis for consent to construct, maintain and operate its lines of street railroad upon the routes and over the streets mentioned and described in the charter of the company; and,

Whereas, the Legislative Council of the City of Memphis, on February 22, 1905, duly passed the following ordinance: (here appears in full the ordinance passed February 22, 1905); and,

Whereas, this company desires to accept said ordinance as provided therein; be it therefore

Resolved, That the Board of Directors of the Memphis Street Railway Extension Company does here and now formally accept said ordinance of the Legislative Council of the City of Memphis, as passed on the 22d day of February, 1905, and that the President formally notify the Mayor of the City of Memphis of such acceptance, by furnishing to him for and on behalf of said City of Memphis a certified copy of this preamble and resolution, under the seal of the corporation.

I, Robert L. Benson, do hereby certify that I am the Secretary of the Memphis Street Railway Extension Company; that the above and foregoing preamble and resolution is a true copy of proceedings had and taken at a meeting of the Board of Directors of said company, held at the office of the company, on the 22d day of February, 1905; that at said meeting all of the directors of said company were present; and that said preamble and resolution were unanimously adopted, all of the directors of said company voting in favor of the adoption of the same.

And I do further certify that at a meeting of the stockholders of said company thereafter and on the 22d day of February, 1905, held, at which meeting all of the stockholders of said company

MEMPHIS STREET RAILWAY.

were present, the action of the Board of Directors in accepting the said ordinance, passed by the Legislative Council of the City of Memphis on February 22d, 1905, was, by the unanimous vote of all of the stockholders of said company, duly approved, ratified and confirmed in all things.

In witness whereof I have hereunto subscribed my name as Secretary of said company, and attached the corporate seal of the Memphis Street Railway Extension Company, this 22d day of February, 1905.

(Seal M. S. Ry E. Co.)

ROBERT L. BENSON,

Secretary the Memphis Street Railway Extension Company.

STIPULATION. MEMPHIS STREET RAILWAY EXTENSION COMPANY'S
ACCEPTANCE OF ORDINANCE PASSED FEBRUARY 22, 1905.

*To the Honorable Mayor and Legislative Council of the City of
Memphis:*

GENTLEMEN—In an ordinance consenting to the use of streets and the laying down of tracks therein by the Memphis Street Railway Extension Company, which passed its final reading and was approved February 22d, 1905, it is provided as follows, in Section 1 thereof:

"Provided, however, that the right of the Memphis Street Railway Extension Company to traverse Peabody avenue from Raleigh avenue to McLean avenue be conditioned upon the failure of the City Street Railway Company to comply with the requirements of the ordinance of January 24th, 1905, granting said last named company a franchise in the event of compliance therewith by the said last named company, the right of the said Memphis Street Railway Extension Company to Peabody avenue shall not attach, but no waiver of rights of the Memphis Street Railway Company in the neutral strip on the said Peabody avenue is hereby made."

MEMPHIS STREET RAILWAY.

And, whereas, the said City Street Railway Company has failed to comply with the requirements of the ordinance of January 24th, 1905, granting said City Street Railway Company a franchise, and, whereas, the Memphis Street Railway Extension Company did, upon February 22d, 1905, accept in its entirety the terms and conditions of the ordinance granting to it the use of the streets and the laying down of tracks therein; and

Whereas, the said Memphis Street Railway Extension Company is desirous of traversing Peabody avenue from Raleigh avenue to McLean avenue, therefore, the said Memphis Street Railway Extension Company, through its duly authorized officers, does herewith notify the said City of Memphis that it does herewith accept the terms and conditions of the aforementioned ordinance with regard to that portion of its route on Peabody avenue from Raleigh avenue to McLean avenue.

This notification, while not deemed necessary by the Memphis Street Railway Extension Company, is herewith given in order that there may be no question concerning its full acceptance of the aforementioned ordinance.

Respectfully,

MEMPHIS STREET RAILWAY EXTENSION CO.,

By T. H. TUTWILER, V.-P. and G. M.

ORDINANCE NO. 11.

MEMPHIS STREET RAILWAY COMPANY.

AN ORDINANCE amending an ordinance consenting to the use of the streets of the City of Memphis and the laying down and operating of railway tracks therein, and a system of street railroad thereon by the Memphis Street Railway Extension Company, passed on its final reading February 22, 1905, and granting to the Memphis Street Railway Company, the successor of the Memphis Street Railway Extension Company, the right to operate its system of street railroad as provided for in the within mentioned amendment of the above mentioned ordinance.

MEMPHIS STREET RAILWAY.

Sec. 1234. *Be it ordained by the Legislative Council of the City of Memphis*, That an ordinance consenting to the use of the streets of the City of Memphis and the laying down of railway tracks therein, and the operation of a system of street railroad thereon by the Memphis Street Railway Extension Company, passed final reading February 22, 1905, be, and the same is hereby, amended so as to strike out Kehoe street from Waldran avenue to Brinkley avenue and Brinkley avenue from Kehoe street to Lane avenue, in the route as stated in the charter of the Memphis Street Railway Extension Company, referred to in the above mentioned ordinance in connection with the extension of the Lane avenue car line.

Memphis St.
Ry. Co.
successors
to Memphis
St. Ry. Extension
Company.

Routes
eliminated.

Sec. 1234a. *Be it further ordained*, That the Memphis Street Railway Company, a corporation organized and existing under the general laws of the State of Tennessee, successor to the Memphis Street Railway Extension Company, is hereby relieved from all obligation to construct and operate a street railway on Kehoe street from Waldran to Brinkley avenue, and on Brinkley avenue from Kehoe street to Lane avenue, as recited in route named in charter, and in lieu thereof the said Memphis Street Railway Company shall operate its cars both outgoing and returning over the route on Lane avenue and Waldran avenue, as recited in said charter of the Memphis Street Railway Extension Company.

Routes sub-
stituted.

Sec. 1235. *Be it further ordained*, That said track shall be laid down and constructed under the supervision of the City Engineer and to his satisfaction.

Construction.

Sec. 1236. *Be it further ordained*, That the rights herein granted to the Memphis Street Railway Company are subject to the conditions contained in all contracts, heretofore existing between the said Memphis Street Railway Company, or those from

Conditions.

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whom it may have acquired its rights, and the City of Memphis, or the Taxing District of Shelby County, Tennessee.

Passed final reading Tuesday, May 22, 1906.¹

(The charter of the Memphis Street Railway Extension Company is herein inserted, for convenient reference. The ordinance of February 22, 1905, granting said company the right to maintain and operate tracks over part of the routes named herein. See ordinance passed February 22, 1905, Sec. 1233 ante.—Compiler's Note.)

CHARTER OF THE MEMPHIS STREET RAILWAY EXTENSION COMPANY,
FEBRUARY, 1905.

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

I, John W. Morton, Secretary of the State of Tennessee, do certify that the annexed instrument, with certificates of acknowledgment of probate and registration, was filed in my office for registration on the 20th day of February, 1905, and recorded on the 20th day of February, 1905, in Corporation Record Book p. 3, in said office, page 246, *et seq.*

In testimony whereof I have hereunto subscribed my official signature, and, by order of the Governor, affixed the Great Seal of the State of Tennessee, at the Department, in the City of Nashville, this 20th day of February, A.D. 1905.

(Signed.) JNO. W. MORTON, Secretary of State.
(Seal.)

STATE OF TENNESSEE. CHARTER OF INCORPORATION.

Be it known that Frank G. Jones, W. S. McCrea, Robert L. Benson, James F. Meagher and Edward J. Karr, are hereby constituted a body politic and corporate, by the name and style of "The Memphis Street Railway Extension Company," for the purpose of constructing a street railroad in the Taxing District

¹ Original ordinance. See *supra*, Section 710.

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known as the City of Memphis, and in the County of Shelby, State of Tennessee, upon the following routes:

Commencing at the intersection of Madison street and Main street, in said City of Memphis, extending north on Main street to Mill street, east on Mill street to Sixth street, north on Sixth street to Chelsea street, east on Chelsea street and New Raleigh road to Thomas avenue, and thence north on Thomas avenue to a terminus at or near Wolf River.

Commencing at the intersection of Chelsea street and Sixth street, in said City of Memphis, extending west on Chelsea street to Fifth street, and thence south on Fifth street to a terminus at the intersection of said street with Mill street.

Commencing at the intersection of New Raleigh road and Thomas avenue, in said City of Memphis, and thence extending northeast on New Raleigh road to a terminus at Manassas street.

Commencing at the intersection of Union street and Hernando street, in said City of Memphis, and thence extending south on Hernando street to a terminus at the intersection of said street with Vance street.

Commencing at the intersection of Vance street and Hernando street, in said City of Memphis, extending south on Hernando street to Georgia street, and thence east on Georgia street to a terminus at the intersection of said street with Davie avenue.

Commencing at the intersection of Mill street and Main street in said City of Memphis, extending north on Main street to Keel street, east on Keel street to Second street, north on Second street to the city limits, thence still north along the continuation of Second street (or New Randolph road) to a terminus on said road opposite the crossing of the Illinois Central Railroad, with such right of extension along roads or turnpikes leading into said city as now is, or hereafter may be, authorized by law.

Commencing at the intersection of Main street and Poplar street, in said City of Memphis, extending east on Poplar street

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to Evergreen avenue, north along Evergreen avenue to and across Dewey avenue, east on a private right of way parallel with Dewey avenue to the town of Binghamton, and thence in a northeasterly direction on a private right of way to a terminus at or near the crossing of Wolf River, with such right of extension on roads and turnpikes leading into said city as now is, or may hereafter be, authorized by law.

Commencing at the intersection of Main street and Vance street, in said City of Memphis, extending east on Vance street to East street, south on East street to Lamar avenue, and east along Lamar avenue to a terminus at the intersection of said avenue with Brown avenue.

Commencing at the intersection of Lamar avenue and Pauline street, in said City of Memphis, extending north on Pauline street to Vance street, and thence west on Vance street to a terminus at the intersection of said street with East street.

Commencing at the intersection of Lamar avenue and Central avenue, in said City of Memphis, and thence extending east on Central avenue to a terminus at the intersection of said avenue with McLean avenue.

Commencing at the intersection of Main street and Beale street, in said City of Memphis, extending east on Beale street to Orleans street, south on Orleans street to Tate street, east on Tate street to Walnut street, south on Walnut street to Grove avenue, east on Grove avenue to Dunlap avenue, and thence south on Dunlap avenue to a terminus at Elmwood Cemetery.

Commencing at the intersection of Main street and Linden street, in said City of Memphis, extending east on Linden street to Lauderdale street, south on Lauderdale street to Mississippi avenue, southeast on Mississippi avenue to Walker avenue, east on Walker avenue to College avenue, south on College avenue to McLemore avenue, east on McLemore avenue to a terminus on said avenue at Rayner avenue.

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Commencing at the intersection of Madison street and Main street, in said City of Memphis, extending north on Main street to Court street, west on Court street to Front street, south on Front street to Madison street, and thence east on Madison street to a terminus at the intersection of said street with Main street.

Commencing at the intersection of Main street and Madison street, in said City of Memphis, extending east on Madison street to Spruce street, and thence still east over a private right of way in the same general direction to Cooper avenue, south on a private right of way parallel with Cooper avenue to Young avenue, east on Young avenue to Trezevant avenue, south on Trezevant avenue to the Southern Railway, and thence on a private right of way parallel with the Southern Railway to a terminus opposite the station of the Southern Railway in the town of Buntyn, with such right of extension along roads and turnpikes leading into said city as now is, or hereafter may be, authorized by law.

Commencing at the intersection of Cooper avenue and Young avenue, in said City of Memphis, and thence extending east along Young avenue to Trezevant avenue, south on Trezevant avenue about three hundred feet, west over a private right to Bruce avenue and thence north on Bruce avenue to a terminus at the intersection of said avenue with Young avenue, with such right of extension on roads and highways leading into said city as now is, or hereafter may be, authorized by law.

Commencing at the intersection of Cooper avenue and Young avenue, in said City of Memphis, extending east along Young avenue to Trezevant avenue, and thence north along Trezevant avenue to a terminus at the intersection of said avenue with Franklin avenue.

Commencing at the intersection of Main street and Market street, in said City of Memphis, extending eastwardly on Market street, Thornton avenue and Alabama street to High street;

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north on High street to Winchester Cemetery, east on a private right of way along the southerly boundary of Winchester Cemetery to Lane avenue; east on Lane avenue to Ayers street, north on Ayers street to Lane avenue, east on Lane avenue to Brinkley avenue, north on Brinkley avenue to Lane avenue and thence east on Lane avenue to a terminus at the intersection of said avenue with Waldran avenue.

Commencing at the intersection of Main street and Jackson street, in said City of Memphis, and thence extending east and northeast on Jackson street, Jackson avenue and Old Raleigh road to a terminus at the intersection of said road with Breedlove avenue.

Commencing at the intersection of Front street and Poplar street, in said City of Memphis, thence extending south along Front street to a terminus at the intersection of said street with Monroe street.

Commencing at the intersection of Main street and Calhoun street, in said City of Memphis, extending west on Calhoun street to Kentucky avenue, south on Kentucky avenue to Georgia street, west on Georgia street to Pennsylvania avenue, south on Pennsylvania avenue to Iowa avenue, west on Iowa avenue to Delaware avenue, and thence south on Delaware avenue to a terminus at the intersection of said avenue with Division street.

Commencing at the intersection of Florida avenue and Gholson street, in the said City of Memphis, extending west on Gholson street to Kansas avenue, and thence south on Kansas avenue to a terminus at the intersection of said avenue with Division street.

Commencing at the intersection of Madison street and Main street, in said City of Memphis, extending south on Main street to Virginia avenue, west on Virginia avenue to Florida avenue, south on Florida avenue to Kerr avenue, and thence on a pri-

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vate right of way in the same general direction to a terminus at Mallory avenue, in the town of South Memphis; with such right of extension along roads or turnpikes leading into said city as now is or hereafter may be authorized by law.

Commencing at the intersection of Main street and Vance street, in said City of Memphis, extending east on Vance street to Hadden avenue, south on Hadden avenue to Calhoun street, east on Calhoun street to Rayburn avenue, south on Rayburn avenue to McLemore avenue, east on McLemore avenue to Mississippi avenue, southeast on Mississippi avenue to Kerr avenue, east on Kerr avenue to Hernando road, and thence southeast on Hernando Road to a terminus at the intersection of said road with Person avenue, with such right of extension along roads and turnpikes leading into said city as now is or hereafter may be authorized by law.

Commencing at the intersection of Main street and Union street, in said City of Memphis, extending east on Union street to Second, south on Second street to Gayoso street, east on Gayoso street to Short Third street, thence south on Short Third street to its terminus.

Commencing at the intersection of Third street and Union street, in said City of Memphis, extending east on Union street to Myrtle street, south on Myrtle street to Beale street, east on Beale street via Center Point and Spring street to Raleigh avenue, and thence south on Raleigh avenue to a terminus at the intersection of said avenue with Peabody avenue.

Commencing at the intersection of Brown street and DuBose avenue, in the said City of Memphis, extending east on DuBose avenue to a terminus at the intersection of said avenue and Middle street.

Commencing at the intersection of DuBose avenue and Walnut street, in said City of Memphis, and thence extending south along

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Walnut street to a terminus at the intersection of said street with Vance street.

Commencing at the intersection of Main street and Jefferson street, in said City of Memphis, extending east on Jefferson street to Third street, south on Third street to Union street, and thence west on Union street to a terminus at the intersection of said street with Main street.

Commencing at the intersection of McLemore avenue and Latham avenue, in said City of Memphis, extending south on Latham avenue to Trigg avenue, east on Trigg avenue to Lauderdale street, and thence south on Lauderdale street to a terminus at the intersection of said street with Kerr avenue, with such right of extension on roads and turnpikes leading into said city as now is or hereafter may be authorized by law.

Commencing at the intersection of Main street and Calhoun street, in said City of Memphis, and thence extending east along Calhoun street to a terminus at the intersection of said street with Hadden avenue.

Commencing at the intersection of Davie avenue and Georgia street, in said City of Memphis, extending east on Georgia street to LaRose street, and thence south on LaRose street to a terminus at the intersection of said street with Walker avenue.

Commencing at the intersection of Brinkley avenue and Lane avenue, in said City of Memphis; extending south on Brinkley avenue to Kehoe avenue, east on Kehoe avenue to Lane avenue, and thence east on Lane avenue to a terminus at the intersection of said avenue with Montgomery avenue.

Commencing at the intersection of Lane avenue and Waldran avenue, in said City of Memphis, and extending south along Waldran avenue to a terminus at the intersection of said avenue with Kehoe avenue.

Commencing at the intersection of Central avenue and McLean avenue, in said City of Memphis, extending east on Central ave-

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nue to Estelle avenue, and thence south on Estelle avenue to Young avenue, thence east on Young avenue to a terminus at the intersection of said avenue with Rembert avenue.

Commencing at the intersection of Raleigh avenue and Peabody avenue, in said City of Memphis, and thence extending east on Peabody avenue to a terminus at the intersection of said avenue with Barksdale avenue.

Commencing at the intersection of Poplar street and Evergreen avenue, in said City of Memphis, extending east on Poplar street to a terminus at the intersection of said street with Tucker avenue.

Commencing at the intersection of Jackson avenue or Old Raleigh Road with Breedlove avenue, in said City of Memphis, and thence extending east along the Old Raleigh Road to a terminus at the intersection of said road with Watkins avenue.

Commencing at the intersection of Madison street and Cooper avenue at the easterly boundary of said City of Memphis, and thence extending east on Madison avenue to a terminus on said avenue about fifteen hundred feet east of Trezevant.

Commencing at the intersection of Manassas street and New Raleigh Road, and thence extending northeast on New Raleigh Road to a terminus at or near the Union Railway, with such right of extension along roads or turnpikes leading into said City of Memphis as now is or hereafter may be authorized by law.

The authorized capital stock of said corporation is fifty thousand (\$50,000) dollars, divided into five hundred (500) shares of the par value of one hundred dollars each.

The general powers of said incorporators and said corporation are:

- (1) To sue and be sued by the corporate name.
- (2) To have and use a common seal, which it may alter at

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pleasure; if no common seal, then the signature of the company by any duly authorized officer shall be legal and binding.

(3) To purchase and hold, or receive by gift, in addition to the personal property owned by said corporation, any real estate necessary for the transaction of the corporate business of the company, and also to purchase or accept any real estate in payment or part payment of any debt due the corporation, and sell realty for corporate purposes.

(4) To establish by-laws and make all rules and regulations not inconsistent with the laws and the constitution deemed expedient for the management of corporate affairs.

(5) To appoint such subordinate officers and agents, in addition to the President, Secretary or Treasurer, as the business of the corporation may require.

(6) To designate the name of the office and fix the compensation of the officers.

(7) To borrow money and issue notes or bonds upon the faith of the corporate property, and also to execute a mortgage or mortgages as further security for re-payment of money thus borrowed.

The following provisions and restrictions are coupled with said grant of powers:

(1) A failure to elect officers at the proper times does not dissolve the corporation, but those in office hold until the election or appointment and qualification of their successors.

(2) The term of all officers may be fixed by the by-laws of the corporation, the same not, however, to exceed two years.

(3) The corporation may, by by-laws, make regulations concerning the subscription for, or transfers of, stock; fix upon the amount of capital to be invested in the enterprise, the division of the same into shares, the time required for payment thereof by the subscribers for stock, the amount to be called at any one time, and in case of failure of any stockholder to pay the amount

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thus subscribed by him at the time and in the amounts thus called, a right of action shall exist in the corporation to sue said defaulting stockholder for the same.

The Board of Directors, which may consist of five or more members, at the option of the corporation, to be elected either in person or by proxy, by a majority of the votes cast, each share representing one vote, shall keep a full and true record of all their proceedings; and an annual statement of receipts and disbursements shall be copied on the minutes, subject at all times to the inspection of any stockholder. A majority of the Board of Directors shall constitute a quorum, and shall fill all vacancies until the next election. The first Board of Directors shall consist of the five or more incorporators who shall apply for and obtain the charter.

The books of the corporation shall show the original or subsequent stockholders; their respective interests; the amount which has been paid on the shares subscribed; the transfer of stock, by and to whom made; also other transactions in which it is presumed a stockholder or creditor may have an interest.

The amount of any unpaid stock due from a subscriber to the corporation shall be a fund for the payment of any debts due from the corporation. The transfer of stock by any subscriber does not relieve him from payment, unless his transferee has paid up all or any part of the balance due on said original subscription.

By no implication or construction shall the corporation be deemed to possess any powers except those hereby expressly given or necessarily implied from the nature of the business for which the charter is granted, and by no inference whatever shall said corporation possess the power to discount notes or bills, deal in gold or silver coin, issue any evidence of debt as currency, buy and sell any agricultural products, deal in merchandise, or engage in any business outside the purpose of the charter.

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The right is reserved to repeal, annul or modify this charter. If this charter is repealed, or if the amendments proposed, being not merely auxiliary but fundamental, are rejected by a vote representing more than half of the stock, the corporation shall continue to exist for the purpose of winding up its affairs, but not to enter upon any new business. If the amendments or modifications, being fundamental, are accepted in a general meeting to be called for that purpose, any minor, married woman or other person under disability, or any stockholder not agreeing to the acceptance of the modification, shall cease to be a stockholder, and the corporation shall be liable to pay said withdrawing stockholders the par value of their stock, if it is worth so much; if not, then so much as may be its real value in the market on the day of withdrawal of said stockholders as aforesaid. The claims of all creditors are to be paid in preference to said withdrawing stockholders.

Said company is authorized to consummate any contract with the authorities of the City of Memphis, or with the County Court, if the route extends, or is to be extended, beyond the limits of said city, or with private individuals necessary to get the right of way along the public streets of the city, or along the public roads of the county; *provided*, that no one of the streets of said city shall be used by said company, nor shall any rails be laid down, until the consent of the city authorities has been first obtained, and an ordinance shall have been passed, prescribing the terms on which the same may be done; or, if the said road extend into the country, the consent of the County Court must be first obtained.

The company may operate said street railroad by animal or electric power, or may use a dummy steam engine, if said engine shall not give off either smoke or steam so as to annoy or frighten either persons or animals, or by cable power, or may use a

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stationary steam engine, if the consent of the city authorities be first obtained.

The company is at liberty to choose the gauge of the road, and the railroad track, cars and coaches shall be used only for the transportation of passengers and personal baggage, at a uniform price per head, which, for person and baggage, shall not exceed ten (10) cents, or the fractional part thereof, from one to the other terminus of the road.

In the construction of said road, a tram rail only shall be used and of such description as to obviate danger of injuring wheels or axles of vehicles passing along and crossing said railroad tracks.

The company may issue bonds, payable in such amount, at such times and places at it deems best, with coupons attached for payment of interest, and may dispose of the same to raise money to construct or repair the road, and, to secure the payment of the same, may mortgage the property, real and personal, and also the franchise of the company.

Vehicles shall, at the proper signal, yield the right of way over the track and switches of said railroad to the passing cars within a reasonable time, and it shall not be lawful to obstruct the free passage of the cars on said road, and any wilful obstruction by any person shall be a misdemeanor. Priority of possession of the track is always to be given to fire engines and apparatus.

The powers herein granted are in no manner to interfere with the rights of private citizens or private property. The power is especially reserved to the city authorities to regulate the position of the switches or tunnels of said railroad within the limits of said city in such manner as not to interfere with public travel through the streets; or, if the road extends into the country, similar right is reserved to the County Court.

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Said company is hereby authorized and empowered to extend its line or lines of railway over any roads or turnpikes leading into the said Taxing District designated as the City of Memphis; and for that purpose said company shall have the power, under the laws of this State, in relation to the condemnation of property for works of internal improvement, to condemn and appropriate a right of way of sufficient width for such railway, with the necessary side tracks, turnouts, turntables and switches, as an easement upon or over any public road, highway or turnpike. And said street railway company shall have the power to condemn, for rights of way and easements thereon, private property, subject to all the restrictions, obligations and liabilities as are imposed by existing laws as set forth in Sections 1844 to 1867, inclusive, (Code of Tennessee, Shannon's Ed., 1896), appertaining to the condemnation of private property for railroads and works of internal improvement.

The consent of the County Court of the county in which such railway is situated shall be first obtained for such extension, and such condemnation and appropriation shall be of an easement for such right of way, and not of the fee simple in soil.

The company, upon obtaining the consent of the city authorities, as to the character and weight of the rail or rails to be used upon the streets of the city for the operation of an electric railway, may use any type or pattern of rail suitable for the operation of an electrical railway, *provided* the same is so laid as not to obstruct or interfere with the passage of vehicles when crossing the tracks of said company when laid on a street or public highway; *provided, further*, that no other different rail shall be used in the suburbs or territory adjacent to said city than that which is used in said city; and *provided, also*, that no rails shall be used in said city other than such as may be directed and permitted by the municipal authorities.

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The said company is hereby given and shall have the power to purchase, lease or acquire by other lawful contract, and to hold, use and operate any street railroad or roads with all and singular its or their franchises and properties of every description belonging to any other street railroad corporation or corporations; *provided*, that such purchase, lease or other contract be authorized and approved by the vote of the holders of three-fourths in amount of the capital stock of said company so purchasing, leasing or otherwise contracting therefor, at a regular or called meeting of said stockholders; *provided*, sixty days' notice of such proposed purchase, lease or other contract shall be given by publication in at least one newspaper published in the county where such street railroad may be located, giving the time, place and purpose of said meeting.

The power given in the last paragraph shall include the right to purchase the capital stock and bonds of such other companies, and to hold and dispose of the same.

The said company is hereby given the power and authority to sell, lease or dispose of, by any other lawful contract, to any other street railroad company, its railroads, rights, franchises, including the right to be a corporation, and all and singular its other properties of every character and description; *provided*, that such sale, lease or other contract, disposing of its railroad, franchises and other properties, shall be first authorized and approved by the vote of three-fourths in amount of the holders of its capital stock, at a regular or called meeting of said stockholders; and *provided* consent to such consolidation, sale, lease or other contract be given by the government of the city where said street railroad is located; and *provided* notice of such proposed sale, lease, or other lawful contract, for disposition of the same, be made for thirty days in some newspaper published in the county where such street railroad is located.

MEMPHIS STREET RAILWAY.

We, the undersigned, apply to the State of Tennessee, by virtue of the laws of the land, for a charter of incorporation, for the purposes and with the powers declared in the foregoing instrument.

WITNESS our hands, the eighteenth (18th, day of February, 1905.

(Signed) FRANK G. JONES,
W. S. McCREA,
ROBERT L. BENSON,
JAMES F. MEAGHER,
EDWARD J. KARR.

SHELBY COUNTY. }
STATE OF TENNESSEE, } ss.

Personally appeared before me, R. A. Speed, Clerk of the County Court of said county, FRANK G. JONES, W. S. McCREA, ROBERT L. BENSON, JAMES F. MEAGHER and EDWARD J. KARR, the within-named petitioners, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand at office, this 18th day of February, A. D. 1905.

(Signed) R. A. SPEED, Clerk.

[SEAL]

By D. J. REEDER, D. C.

RESOLUTION NO. 12.

Neutral strip for street railway right-of-way purposes on Poplar street. Sec. 1237. *Be it resolved by the Legislative Council of the City of Memphis,* That, with the consent of the abutting property owners, a neutral strip of land twenty feet in width in the center of the street on Poplar street from a point near Cleveland avenue to Wicks avenue, and on Wicks avenue from Poplar street to the Raleigh Railroad right of way, may be used by the Memphis Street Railway Company for right of way purposes; and be it further

MEMPHIS STREET RAILWAY.

Resolved, That said company is hereby given permission, subject to the ordinance passed November 20th, 1895, to extend its present tracks on Poplar street from Bellevue avenue east to where such neutral strip near Cleveland avenue begins, provided work upon the extension is begun within sixty (60) days hereafter.¹

ORDINANCE NO. 13.

Sec. 1238. *Be it ordained by the Legislative Council of the City of Memphis*, That the Memphis Street Railway Company is hereby given the right and granted the permission to operate a car suitable for carrying cotton samples, with the privilege of carrying the same from the Memphis Warehouse Company on and over the tracks of the Memphis Street Railway Company leading from New South Memphis in and through the City of Memphis, but this ordinance is to remain in effect only during the will and pleasure of the Legislative Council.²

Right to carry cotton samples, etc.

ORDINANCE NO. 14.

AN ORDINANCE limiting and confirming the right of way of the Memphis Street Railway Company on Madison avenue, between Claybrook street and Cooper avenue, in the City of Memphis, and providing for the curbing of the same.

PREAMBLE.

Whereas, The territory on Madison avenue, alongside the East End car line of the Memphis Street Railway Company, from Claybrook street to Cooper avenue, is rapidly improving and being built up with handsome homes fronting on the said Madison avenue and the said East End car line; and,

Preamble.

Whereas, The health, comfort and convenience of the residents thereon make necessary the establishment of an adequate and continuous thoroughfare along the said car line; and,

¹ Section 1237 adopted June 4, 1903.

² Section 1238 passed June 16, 1908.

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Whereas, The Memphis Street Railway Company claims that it owns, in fee simple, the private right of way, obtained by purchase, condemnation and prescription from thirty (30) to fifty (50) feet in width, having obtained the same when the line was originally constructed as a "dummy line," by the East End Street Railway Company, at which time the eastern limits of the City of Memphis was Dunlap street; and,

Whereas, The City of Memphis denies the claim of the Memphis Street Railway Company of a continuous private right of way thirty (30) to fifty (50) feet in width, but admits that it has a right of way over said street upon which it has the right to operate its double track; and,

Whereas, The City of Memphis likewise admits that the Memphis Street Railway Company owns in fee such portions beyond the limits of its roadbed as shown by the records in the Register's office of Shelby County, Tennessee, as the property of the East End Street Railway Company; and,

Whereas, The Memphis Street Railway Company only requires in the operation of its road and right of way such width as is necessary for the operation of its double track street railway system; and,

Whereas, It is to the best interest alike of the City of Memphis and the Memphis Street Railway Company that a thoroughfare be established and improved, and that all grounds beyond the space required for the street railway bed be dedicated for this purpose; and further, that the controversy regarding the right of way for all time be settled; therefore,

Madison
avenue.

Sec. 1239. *Be it ordained by the Legislative Council of the City of Memphis*, That the right of way of the Memphis Street Railway Company on Madison avenue, between Claybrook street

Right-of-way
limited to
twenty feet.

and Cooper avenue, be, and the same is hereby, fixed, limited and confirmed to the Memphis Street Railway Company to a strip

MEMPHIS STREET RAILWAY.

twenty (20) feet in width—the limits of said strip to be ten (10) feet each side of the center line between tracks.

Sec. 1240. The matters contained in this ordinance, however, are given upon the following terms and conditions:

First. As a condition of this ordinance, That the Memphis Street Railway Company be required to construct a first-class concrete curbing on the north and south boundaries of the said strip, except at street intersections, where the curb shall be made to the intersection, then the limits of said right of way shall be graveled or macadamized, according to plans and specifications to be furnished by the City Engineer, and to be maintained in first-class condition.

Second. The poles for supporting the trolley and feed wires shall be placed on the sidewalks back of curb line.

Third. All work provided for herein shall be done under the supervision of the City Engineer, and the same shall be done contemporaneously with the improvement of Madison avenue, between Claybrook and Cooper streets, by the City of Memphis.

Sec. 1241. The Memphis Street Railway Company shall, in writing, accept the provisions of this ordinance within ten days after its final passage.¹

ACCEPTANCE.

To the Mayor and the Honorable Legislative Council of the City of Memphis:

The Memphis Street Railway Company herewith formally accepts the provisions of an ordinance passed by the City of Memphis, through its Legislative Council, on the 17th day of September, 1908, and approved by the Mayor of the City of Memphis on the 17th day of September, 1908, the title of which ordinance is as follows: "An Ordinance limiting and confirming the right of way of the Memphis Street Railway Company on

¹ Ordinance No. 14 passed September 17, 1908.

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Madison avenue, between Claybrook street and Cooper avenue, in the City of Memphis, and providing for the curbing of same," and herewith binds itself to carry out all the provisions of this ordinance, and especially of Section 3, as follows, to-wit:

"Be it further ordained, That the Memphis Street Railway Company shall, in writing, accept the provisions of this ordinance within ten days after its final passage."

Respectfully,

THE MEMPHIS STREET RAILWAY COMPANY,

By T. H. TUTWILER, President.

Sec. 1241a. *Be it resolved by the Legislative Council of the City of Memphis,* That the Memphis Street Railway Company is hereby given permission, subject to all rights, privileges, conditions and obligations of the ordinance passed November 20, 1895, to occupy with its tracks and service Florida avenue, from Gholson street to the south side of Kerr avenue.

Adopted October 8, 1903. (Book F, page 257.)

RESOLUTION.

Central
avenue

Sec. 1241b. *Be it resolved by the Legislative Council of the City of Memphis,* That permission is hereby given to the Memphis Street Railway Company, subject to the ordinance passed November 20, 1895, to extend its present tracks from Central avenue east on Lamar boulevard to a point three hundred feet east of intersection of Brown avenue; be it further

Lamar avenue
neutral strip.

Resolved, That a neutral strip of land twenty feet in width in the center of the street on Lamar boulevard from a point where the said boulevard intersects with Willett avenue, thence eastwardly to the intersection of Rozelle avenue, may be used by the Memphis Street Railway Company for right of way purposes; *provided,* the street be not less than eighty feet wide

EQUITABLE GAS LIGHT COMPANY.

where the neutral strip begins and with the consent of the abutting property owners.

Book F, page 334, Legislative Council, June 9, 1904.

Sec. 1241c. *Be it resolved*, That the Memphis Street Railway Company be required to instruct its conductors to announce the names of each street crossing in a loud and distinct voice. Also to stop at each crossing to receive and discharge passengers.

Adopted January 24, 1908. (Book B, Public Works, page 30.)

ARTICLE 77.

EQUITABLE GAS LIGHT COMPANY.

ORDINANCE NO. 1.

Sec. 1242. *Be it ordained by the Legislative Council of the City of Memphis*, That the New Memphis Gas Light Company and the Equitable Gas Light Company, both gas companies created and existing under the laws of the State of Tennessee, and doing business in Memphis, Tenn., are hereby given permission and granted the right to consolidate, either by the merger of one company into the other, or to operate their respective plants under common management, or to transfer their respective physical properties to a third gas company, to be hereafter organized under the laws of Tennessee.

Permission
to consoli-
date.

The permission is given, however, on the following terms Conditions. and conditions, which are conditions precedent:

First. During the ten years commencing January 1st, 1899, Prices of gas. the Equitable Gas Light Company, the New Memphis Gas Light Company, and any successor to them, and any purchaser of their properties, shall sell gas to the public at prices not exceeding the following, to-wit:

EQUITABLE GAS LIGHT COMPANY.

During Year	Illuminating Gas.	Fuel Gas.
	Per 1,000 cu. ft.	Per 1,000 cu. ft.
1899.....	\$1.50	\$1.25
1900.....	1.48	1.23
1901.....	1.46	1.21
1902.....	1.44	1.19
1903.....	1.42	1.17
1904.....	1.40	1.15
1905.....	1.38	1.13
1906.....	1.36	1.11
1907.....	1.34	1.09
1908.....	1.25	1.00

These reductions in rates shall be put in force and maintained irrespective of the amount of gas consumed.

But if at any time during the twenty years, commencing January 1, 1899, the combined annual sales of illuminating and fuel gas sold by said two gas companies, and any successor or purchaser from them, as ascertained from consumers' meters, aggregate the following amounts, the following prices shall be charged, namely:

Feet.	Illuminating Gas.	Fuel Gas.
110,000,000	\$1.45	\$1.20
120,000,000	1.40	1.15
130,000,000	1.35	1.10
140,000,000	1.30	1.05
150,000,000	1.25	1.00
160,000,000	1.20	1.00
170,000,000	1.15	1.00
180,000,000	1.10	1.00
190,000,000	1.05	1.00
200,000,000	1.00	1.00

And if the application of the last mentioned scale of prices, that is, the one upon the basis of the amount of consumption,

EQUITABLE GAS LIGHT COMPANY.

would at any time result in a lower price of gas than the scale providing for a reduction of 2 cents on the 1,000 cubic feet a year from 1899 to 1907, and 9 cents per 1,000 cubic feet for the year 1898, then the price as governed by the amount of consumption shall prevail, and it is hereby intended and ordained that that scale of prices shall prevail which shall produce the lowest price.

After 1908 no gas shall be sold at a price exceeding \$1.25 per 1,000 cubic feet for illumination and \$1 per 1,000 cubic feet for fuel gas; but if during the ten years commencing January 1, 1909, the aggregate annual consumption of gas exceeds 150,000,000 cubic feet, the scale of prices hereinbefore set forth, based upon the amount of consumption, shall be put in force and maintained.

After the expiration of the twenty years commencing January 1, 1899, the maximum prices for gas in force at that time under the provisions of this ordinance shall not be exceeded without the consent of the city, but nothing in this ordinance contained shall be construed as a limitation upon the power of the city to reduce further the price of gas, either during or after the expiration of the said twenty years, and the city hereby expressly reserves the right to exercise at any time all police powers and powers of regulation respecting the price of gas, and in all other respects now rightfully existing in or that may hereafter be lawfully conferred upon it. *

If the gas bill of the consumer is not paid within the first six days of the succeeding month after the gas is consumed, an additional charge of 5 cents per 1,000 cubic feet may be added by the company, and if the gas bill is not paid within the second six days, an additional penalty of 5 cents per 1,000 cubic feet may be added.

Second. Before the permission for the consolidation herein granted shall be exercised by said gas companies, the New

Dismissal of
suit.

EQUITABLE GAS LIGHT COMPANY.

Memphis Gas Light Company shall cause to be entered a consent decree in the suit filed by it in the United States Circuit Court at Memphis, against the City of Memphis, on December 27, 1895, which decree shall dissolve the injunction obtained in said case, and said suit shall be dismissed at the cost of said gas light company.

Payment to
city.

Third. In consideration of the privilege of consolidating, the Equitable Gas Light Company and the New Memphis Gas Light Company shall pay to the City of Memphis the sum of fifty thousand dollars, said sum to be paid as follows:

Commencing with January 1, 1899, \$5,000 shall be paid on January 1, and again on July 1 of each year, during the next three years; and commencing with January 1, 1902, \$2,500 shall be paid on January 1, and again on July 1 of each year during the ensuing four years, and promissory notes shall be jointly executed by said two companies evidencing said indebtedness; and any successor to them, or any purchaser of their property shall, before going into possession of said plant or plants, or operating the same, also execute any of said notes then outstanding.

City lamp
posts.

Fourth. Said gas companies and their successor and the purchaser from them, shall erect along its mains and extensions lamp posts whenever and wherever ordered by the city, the said posts and lamps to be furnished by the city, but they are to be erected and connected and kept in good order and condition by said gas companies, and the purchaser from them, free of cost to the city.

Laying of
pipes.

And whenever mains, sewer pipes or connections are made or laid in the city, or any extension thereof, the gas company or companies, their successors or assigns, shall first get the consent of the city for the occupation of the streets, alleys or highways, and whenever sidewalks or pavements of any kind are taken up by said gas company for the purpose of laying said

EQUITABLE GAS LIGHT COMPANY.

mains or pipes, the City Engineer shall relay or replace said sidewalks or pavements at the expense of said gas company, and said expense shall be paid within thirty days after presentation of said bill.

Fifth. Said gas companies and the purchasers from them shall in no event furnish gas to the city or its inhabitants of less than 20 candle power, and they are relieved of the duty of furnishing gas of more than 20 candle power. Quality of gas.

But nothing in this ordinance shall be considered to limit the right of any consumer to attach to or near his burners any improved burner, regulator or carburetter.

Sixth. Said gas companies, or the purchasers from them, shall furnish to the consumer correct meters. Said meters shall be subject at all times to the inspection of the inspector selected and chosen by the city. All meters running either fast or slow, not more than 2 per cent., shall not be considered in violation of the law or subject the offender to a fine, but said meter shall, upon request of the consumer, be corrected. If a meter is fast beyond 2 per cent., then credit shall be given upon the bills of the company furnishing the gas for said excess; but no allowances of said credit shall be made beyond a period of six months. Meters. Inspection.

Seventh. Said gas companies and the purchaser from them shall furnish free of cost service pipes from their mains to the property line of the consumer. Service pipe.

Eighth. Said gas companies and the purchaser from them, whenever notified by the city, shall extend their pipes into any part and along any streets of the City of Memphis, and all of the territory hereafter annexed thereto, whenever there shall be as many as two consumers and one street lamp for each two hundred feet of the extension, or if no street lamp, then whenever there shall be as many as five consumers for each two hundred feet of the extension. Annexed territory.

EQUITABLE GAS LIGHT COMPANY.

Ninth. When the consumer uses only one meter, said gas companies or the purchaser from them, can, at their option, charge the price of illuminating gas; but if the premises occupied by the consumer are piped for illuminating and fuel gas through separate systems, the gas companies on demand shall furnish a meter for each system free of cost to the consumer.

Sworn statement as to amount of gas sold.

Tenth. A duly certified statement under oath of the amount of gas sold by each of said gas companies, or the purchaser from them, shall be furnished to the city on the first day of January of each year, and the city shall have the right to verify said statements by an examination of the companies' books.

Action for overcharge.

Eleventh. Nothing in this ordinance shall in any wise affect the rights of the complainants in the two suits now pending in the Second Part of the Chancery Court of Shelby County, Tennessee, styled W. L. Clapp et al. vs. Equitable Gas Light Company, No. 10,058, and E. J. Carrington et al. vs. New Memphis Gas Light Company, No. 10,059, and the complainants in said suits, and any gas consumer shall have the same right of action to recover the excess of 25 cents per 1,000 cubic feet of gas charged by said companies in violation of the ordinance of October 29, 1895, as heretofore existed.

Exclusive rights.

Twelfth. Nothing in this ordinance shall be construed as conferring upon said gas companies, or the purchaser from them, any exclusive rights of any character whatever, and the city shall remain free to grant to any other gas company or gas companies the right to occupy the streets of the city and sell gas to the city or its inhabitants.

Agreement to be executed.

Thirteenth. Before exercising the right of consolidating, or selling their properties or any interest therein, and before exercising or enjoying any right or privilege herein conferred upon said companies, and before any other person or corporation shall purchase or succeed to the properties of said companies, or any

EQUITABLE GAS LIGHT COMPANY.

interest therein, each of them shall cause to be executed, under a properly attested resolution of its stockholders, a stipulation and agreement in the following form, to-wit:

MEMPHIS, TENN., ..., 189..

The undersigned, ... Gas Light Company, hereby binds itself, its successors and all purchasers of its property or any interest therein, to the original and continued performance of each and every condition, provision and requirement contained in the ordinance passed by the Legislative Council of the City of Memphis, on December, 1898, and hereby pledges all of its property of every character, wherever situated, as security for the performance of all the enactments of said ordinance.

And said Gas Light Company hereby grants and declares a lien upon all its real estate and gas plant, situated (here describe the property), and upon all its machinery, mains, pipes, rights, franchises and property of every character, and wherever situated, in favor of the City of Memphis, and in favor of any person residing or owning property in the City of Memphis, who may lawfully complain of the violation by this company of any condition, provision or requirement of said ordinance, and this declaration of trust shall inure to the City of Memphis, and also to the benefit of any person residing or owning property in the City of Memphis, to secure the payment of any damages arising from a breach of said ordinance, and to secure a full compliance with all its provisions.

And it is expressly agreed that any violation of said ordinance shall work a forfeiture by this company of its charter and franchises and its right to lay and maintain pipes in the streets and alleys of the City of Memphis, and its right to sell gas in the City of Memphis, and such forfeiture may be enforced at the suit of the city, or of any person residing or owning property in the city by a suit brought in his own name for that purpose.

EQUITABLE GAS LIGHT COMPANY.

This stipulation shall constitute a lien upon all the property and rights of this company, prior to any subsequent purchaser or mortgagee.

It is furthermore stipulated that this company hereby agrees to that part of an ordinance passed October 29, 1895, providing for the appointment of a Gas Inspector in the City of Memphis, and it is agreed that any Gas Inspector appointed under that or any other ordinance, shall have the right to test any meter used by the company, or any consumer of its gas, and to test the company's gas at any time, and to examine and test any and all the materials and ingredients going into the manufacture of its gas, and the pressure at which same is used, and to examine the meter books of this company at any time during business hours.

And this company obligates itself to furnish said Inspector full and free facility to make said tests and examinations.

Executed and delivered the day and year above written.

..... GAS LIGHT CO.,
..... President.

Attest:, Secretary.

Acknowledg-
ment and
registration.

This stipulation shall be properly acknowledged by the President and Secretary of said company and registered in the Register's Office of Shelby County, Tennessee.

Obstructions
in pipe.

Fourteenth. Whenever and wherever any gas meter or gas pipe upon the premises of any gas consumer actually using or desiring to use gas shall become stopped up or obstructed by any water, tar or other substance, it shall be the duty of the gas company furnishing such consumer to clean out such meter, and blow out such pipe within five days after notice.

Regulators.

Any consumer may attach to his meter any regulator, governor, or other appliance designed to regulate and economize the consumption of gas; provided, that such appliance is approved

EQUITABLE GAS LIGHT COMPANY.

by the City Gas Inspector, such approval of the Gas Inspector to be in writing.

Fifteenth. All of the terms and provisions of this ordinance shall apply and be in force within the limits of the city as they now are, or as they may hereafter be established.

Sixteenth. When the price of illuminating and fuel gas has been reduced to one dollar (\$1.00) per thousand cubic feet, and so long as the price is not reduced below \$1.00 per 1,000 cubic feet, said two gas companies or their successor or purchaser, shall furnish for lighting purposes free of cost to the city gas to the amount of one thousand dollars at the rate of one dollar per thousand feet.¹ Price to city.

Seventeenth. Each and all the provisions of this ordinance shall apply to and be binding upon any purchaser of or successor to the properties of the Equitable Gas Light Company, or the New Memphis Gas Light Company, or both of them, as fully as the same apply to and are binding upon the original companies. Successors.

Eighteenth. The gas companies shall, whenever they read a consumer's meter, notify such consumer of the reading by leaving with the consumer at the time a written statement of the status of the meter. Meters shall be furnished by the gas companies free of cost to the consumer in all cases where the consumer uses as much as 50 cents worth of gas per month. Reading meters.

Nineteenth. Nothing in this ordinance shall be construed that will in any way prevent the city from purchasing or erecting gas or electric light plants during the life of this ordinance for the purpose of supplying lights for the city or private consumers.

¹ This paragraph amended by ordinance consolidating the lighting companies. See Section —, post.

GAS METERS.

Twentieth. If any law or ordinance providing for reduction in the price of gas shall be enacted by the Legislative Council or the Legislature other and further than the prices herein provided for, and the enforcement of such reduction shall be resisted by either of said companies, or any successor to or purchaser from them, and such reduction shall be held valid by any court of competent jurisdiction, then every consumer who has not been given the benefit of such reduction may file his claim for excess damages with the City Secretary, and the company making said excessive charge shall pay the same within thirty days after the final adjudication of the validity of such action.

Pressure.

Twenty-first. The gas companies shall maintain such a pressure in the holder as the City Gas Inspector shall direct.¹

Charge fee
for inspect-
ing meters.

ORDINANCE NO. 2.

Sec. 1243. *Be it ordained by the Legislative Council of the City of Memphis,* That a fee shall be charged for inspecting or re-inspecting, sealing and stamping gas meters inspected and stamped.

By whom
collected.

Sec. 1244. The said fee of 50 cents shall be collected by the Gas Inspector for the use of the City of Memphis for each meter inspected by him.

When inspec-
tion re-
quested com-
pany to bring
meter to In-
spector's
office.

Sec. 1245. No meter shall be inspected except at the instance and upon the written request of either the consumer or the gas company. The said inspection fee of 50 cents shall be paid by the applicant for the inspection, in advance, to the inspector for each such inspection, and when the request for inspection is made, it shall be the duty of the gas company to bring or send the meter to the office of the inspector, and no meters shall be subject to more than four inspections per year.

¹ Passed December 29, 1898.

GAS METERS.

Sec. 1246. In all cases where a gas meter is found by the Gas Inspector to be fast after testing the same, the inspection fee of 50 cents shall be paid by the gas company, and the fee collected from the consumer shall be refunded to him by the Gas Inspector.

Meters fast,
fee paid by
company.

Sec. 1247. The Gas Inspector shall make a written report of the meters inspected by him on the first of each month to the Secretary of the Council, and shall turn over with his said report a receipt from the County Trustee for the fees collected during the preceding month, and all funds so collected shall be paid into and credited upon the lighting fund.¹

Duties of
Inspector.

ORDINANCE NO. 3.

Sec. 1248. *Be it ordained by the Legislative Council of the City of Memphis,* That it shall be unlawful for any gas company to put in use in this city any new gas meter unless said meter has been first tested by the Gas Inspector; and, if found correct by the Inspector, he shall seal the meter and attach his stamp thereto. And no meter shall be put in use which shall have been discontinued, or which has been in use by any other consumer, unless the same has been reinspected and restamped by the Inspector; provided, that it shall not be necessary to reinspect or restamp any meter which has been inspected and stamped within four months theretofore.

Meters tested

And for inspecting or reinspecting, sealing and stamping such meters, the gas company shall pay to the Inspector, for the use of the city, a fee of fifty cents for each meter inspected and stamped.¹

Fee for test.

1249. *Be it further ordained,* That any gas company that shall violate the provisions of this ordinance shall be guilty of

Misdemeanor.

¹ Passed March 4, 1909.

¹ See amendment, "Fee for test," Sections 1243-1247, ante.

GAS INSPECTOR.

a misdemeanor, and shall be fined not less than two nor more than fifty dollars for each and every offense.

Defacement
of stamp.

Sec. 1250. *Be it further ordained*, That it shall be unlawful for any person to counterfeit, mutilate or wilfully deface the seal or stamp placed upon such meter, sealed or stamped by the City Gas Inspector, and any person so offending shall be guilty of a misdemeanor and shall be fined not less than two nor more than fifty dollars for each offense.

Passed December 7, 1899.

ORDINANCE NO. 4.

RELATING TO PRICE OF GAS.

Quality of
gas.

Sec. 1251. That all gas companies within said city furnishing light to it and its inhabitants by means of pipes or other conductors laid in or under the streets or sidewalks of said city, shall be, and they are hereby required to furnish gas of not less than sixteen candle power, and that the same shall be as free from deleterious and hurtful elements as practicable.

Discount.

Sec. 1252. That the rate to be charged for gas so furnished, either to said city or to the inhabitants thereof, shall not exceed the sum, or price, or \$1.50 per 1,000 feet when paid within the customary discount days, with the right on the part of the gas companies to add 5 per cent. thereto if not so paid.

Gas In-
spector.

Sec. 1253. That the office of Gas Inspector is hereby created, to be filled by the Legislative Council on the nomination of the Mayor. He shall hold office for a term of one year, and shall give bond in the sum of \$5,000 for the faithful performance of his duties.

Compensa-
tion.

His compensation shall be fixed by the Fire and Police Commissioners, and paid out of the lighting fund.

Duties.

It shall be the duty of such Inspector to see that the gas furnished is of the quality and illuminating power above pre-

MEMPHIS LIGHT AND POWER COMPANY.

scribed, that the gas meters furnished properly measure the gas passing through them, and generally he shall perform such other services as may from time to time be imposed upon him.

Sec. 1254. That no meter shall be inspected except at the instance and request of the consumer, and a fee of fifty (50) cents shall be paid by the consumer, in advance, to the Inspector for each such inspection. All such inspection fees shall be reported every Monday by the Inspector to the Secretary of the Council, and shall be turned over on the same day to the County Trustee to the credit of the lighting fund.¹ Inspection fees.

Sec. 1255. That failure to comply with or a violation of the provisions or any of them of this ordinance be, and the same is hereby declared a misdemeanor—each and every instance of such failure to comply or violation being a distinct and separate offense—punishable upon conviction by a fine of not less than \$1.00 and not more than \$50. Violation misdemeanor.

Passed October 29, 1895.

ARTICLE 78.

MEMPHIS LIGHT AND POWER COMPANY.

ORDINANCE NO. 1.

Sec. 1256. *Be it ordained by the Legislative Council of the City of Memphis, hereinafter called the City,* That the Memphis Light and Power Company, a corporation created and existing under the laws of the State of Tennessee, and hereinafter called the company, be and is hereby given and granted the right and privilege of constructing and maintaining, during the term of thirty-five years, commencing November 1, 1900, lines for conducting electricity for power, light and general electrical purposes, through the streets, alleys, lands, squares and public places of the City of Memphis, and to erect and construct such Powers granted.

¹ Ordinance amended. See Sections 1243-1247, ante.

MEMPHIS LIGHT AND POWER COMPANY.

fixtures, including poles, conduits and man-holes as may be necessary to enable the company to furnish electricity for commercial light, power and general purposes.

Conditions
precedent.

Sec. 1257. The rights and privileges herein granted to the company are granted solely upon the terms and conditions hereinafter set forth, each and all of which terms and conditions are hereby declared to be conditions precedent to the original or continued enjoyment of any of such rights or privileges.

Rates.

Sec. 1258. The company shall, from and after July 1, 1900, cease to charge private consumers of electrical current for incandescent lighting fifteen cents per one thousand (1,000) watts, but the company shall furnish to any person, firm or corporation now using or hereafter desiring to use electricity standard electrical current for incandescent lighting, and shall charge therefor not exceeding the following rates:

From July 1, 1900, to November 1, 1905, the gross rate after allowing discount shall make a net rate of fourteen (14) cents per one thousand (1,000) watts consumed.

From November 1, 1905, to November 1, 1910, the gross rate after allowing discount shall make a net rate of thirteen and one-half (13½) cents per one thousand (1,000) watts.

From November 1, 1910, to November 1, 1920, the gross rate after allowing discount shall make a net rate of twelve and one-half (12½) cents per one thousand (1,000) watts.

From November 1, 1920, to November 1, 1935, the gross rate after allowing discount shall make a net rate of twelve (12) cents per one thousand (1,000) watts.

To corre-
spond with
price of gas.

But notwithstanding the maximum rates herein permitted to be charged, the company shall at all times reduce its charges for incandescent lighting to correspond with the general rates charged by any gas company selling illuminating gas in the City of Memphis, counting each cent per one thousand (1,000) watts in the charge for standard incandescent electrical current

MEMPHIS LIGHT AND POWER COMPANY.

as corresponding to each ten cents per one thousand cubic feet in the charge for sixteen candle power illuminating gas.

For example, if any gas company selling gas in Memphis shall at any time put into effect a rate of one dollar and twenty-five cents (\$1.25) per one thousand (1,000) cubic feet of illuminating gas, the Memphis Light and Power Company shall immediately put into effect a rate of twelve and one-half (12½) cents per one thousand (1,000) watts of standard electrical incandescent current, and maintain such rate so long as the corresponding gas rate shall prevail. Example.

Sec. 1259. Prompt payment of bills to secure discount shall be construed as meaning payment on or before the 6th day of the month succeeding the one in which the current is furnished. Discounts.

Sec. 1260. The company shall furnish to any person, firm or corporation now using or hereafter desiring to use electricity, electrical current for power purposes at a rate not exceeding ten (10) cents per one thousand (1,000) watts. Power rate.

Sec. 1261. For all the incandescent lights in the Cossitt Library and in all buildings owned or used by the city or any of its departments where electrical current for incandescent lighting is now used or may hereafter be used during the ensuing thirty-five (35) years the company shall furnish standard current at a rate of not exceeding ten (10) cents per one thousand (1,000) watts, and not exceeding the corresponding gas rate as hereinbefore defined. Municipal buildings.

Sec. 1262. If at any time any person, firm or corporation engaged in the general business of selling electrical current in the City of Memphis shall put into effect a general rate for incandescent or arc lighting or for power less than the rate charged by the Memphis Light and Power Company, said company shall reduce its rate accordingly so that the same shall not exceed Further reduction.

MEMPHIS LIGHT AND POWER COMPANY.

the rate generally charged by such other person, firm or corporation for similar current and similar service. But the Memphis Light and Power Company shall not be bound to meet the reduced rates of any such person, firm or corporation unless the electrical system owned and operated by such other person, firm or corporation shall comprise at least twenty-five miles of electric wires used for lighting and power purposes, and shall have been in actual and general use for six months.

Lamp re-
newals.

Sec. 1263. The company shall, during the thirty-five years commencing November 1, 1900, furnish to all consumers of its incandescent current lamp renewals from time to time as may be necessary free of cost to the consumer. In case of dispute as to the necessity for such lamp renewals the issue shall be determined by the City Electrician, and his judgment shall be conclusive upon the parties.

Street lights.

Sec. 1264. During the period of thirty-five (35) years commencing November 1, 1900, the city shall have the right to require the Memphis Light and Power Company to furnish to the city arc lights for public street lighting upon all night and every night schedule at a price not exceeding eighty-five (\$85) dollars per arc lamp per annum; and the city shall have the right to terminate the use of and payment for said arc lamps or any of them at any time the city shall see proper so to do, but such discontinuance shall take place at the end of any calendar year. Such arc lamps so to be furnished by the company to the city shall be of not less than two thousand (2,000) nominal candle power, and supplied with nine and six-tenths (9.6) amperes current at a voltage of forty-five (45) at lamp terminals. Said arc lamps and all the wires, poles and fixtures necessary and proper therefor shall be erected and maintained by the company at its own cost, and in such number as the city may designate, and said arc lamps shall be erected and supplied whenever and wherever

MEMPHIS LIGHT AND POWER COMPANY.

within the city limits the city shall need or order them, and shall be changed from place to place as the city shall direct.

Sec. 1265. The company shall put in and maintain in all Meters. circuits correct recording watt meters, and proper reductions shall be made for all outages in accordance with indications on meter charts, and on a pro rata basis.

Sec. 1266. The City Electrician is hereby constituted the In- Inspector of electric meters. spector of Electric Meters. It shall be his duty, when called upon by the city, the company, or any private consumer to inspect any electric meter and by proper test determine whether the same is correct. If the meter is running fast the company shall pay to the Inspector a fee of 50 cents for each meter tested, Tests. and also all the necessary expenses of the test. If the meter is correct or running slow, the private citizen asking for the test shall pay the expenses of the test, and the fee of fifty (50) cents. In case the city asks for the test and the meter is found correct or slow, the city shall pay only the actual expenses of the test. All inspection fees shall be paid to the County Trustee for the Fees. use of the city. In all cases where the meter is incorrect the company shall correct it at once.

Sec. 1267. The company shall, after November 1, 1900, erect and maintain at its own expense, in what is hereafter called the "Conduit District," the latest improved inclosed arc lamps. Conduit district. And so long as the company shall carry on business in the City of Memphis its poles and lamps and the method of suspending the same, together with all the fixtures and appliances employed in distributing and supplying electricity for public and private uses, shall be of substantial character and in keeping with the most improved methods adopted in the electrical art.

Sec. 1268. The city is about to establish what is known as a "Conduit District," requiring certain poles and overhead wires within said district to be taken down and put into underground

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conduits, and the poles and wires of the Memphis Light and Power Company are included within the provisions of the ordinances establishing said "Conduit District." And it is ordained in said ordinance, which is known as the "Conduit Ordinance," that the various companies therein mentioned shall, at their own expense, build certain manholes to receive the underground conduits and ducts, and that the cost of constructing and maintaining said manholes shall be pro rated among the companies using the same upon a certain basis to be set forth in said ordinance, and that after said manholes have been constructed the city or its properly designated officers shall have absolute control over said manholes, but permitting the said electrical companies prompt access to said manholes under proper regulations. It is ordained in said ordinance that all the electrical companies named in the conduit ordinance shall enter said manholes, which shall be in the nature of partnership manholes, and that they shall not have separate manholes; but proper partitions shall be constructed separating the high and low tension currents. Therefore, it is now ordained that the rights and privileges herein granted to the Memphis Light and Power Company are given and granted upon the express condition, which is made a condition precedent, that said company shall strictly obey and comply with all the terms and provisions of said conduit ordinance, which ordinance has been examined and understood by the company. Said conduit ordinance passed final reading before the Legislative Council on June 20, 1900.

Stipulation.

Sec. 1269. As a condition precedent to the enjoyment of any of the rights and privileges herein granted to said company, said company shall, within twenty days from this date, file with the City Secretary a written stipulation consenting to this ordinance and said conduit ordinance, and binding itself to comply with all the terms and provisions of each ordinance,

MEMPHIS LIGHT AND POWER COMPANY.

said stipulation to be authorized by a duly constituted meeting of the stockholders of the company.

Sec. 1270. Nothing in this ordinance shall be construed to give or grant any exclusive right or privilege, and the city shall be free at all times to give or grant to any other person, firm or corporation, rights and privileges similar to those herein conferred, and such other person, firm or corporation shall have the right to enter and use said manholes upon paying a proper pro rata of the cost of construction and maintenance.

Exclusive rights.

Sec. 1271. The city grants herein only such rights and privileges as it is authorized by law to grant, and it shall not be liable for any want of power to pass this ordinance. The city does not grant away any of its police powers in any respect to or over the premises, rights or privileges made the subject of this ordinance. The express power is reserved to enlarge said conduit district and to change the provisions of said conduit ordinance, and to make and enforce other regulations which progress in the electrical art or other changed conditions may make necessary or expedient. The city does not grant any interest in the soil, but only the rights and privileges herein specifically enumerated, and only upon the conditions and with the limitations prescribed in this ordinance.

Reservation of powers by city.

The original and continued performance of each and every stipulation and condition contained herein on the part of the Memphis Light and Power Company is a condition of the grant herein contained, and the failure of the company to comply with this ordinance or said conduit ordinance in the manner and within the time required, shall, at the option of the city, work an entire forfeiture and cessation of all rights and privileges granted herein, but such forfeiture shall not be enforced unless the company shall for thirty days after notice neglect to perform the obligations imposed herein.

Forfeiture.

Passed June 21, 1900.

CONSOLIDATED GAS AND ELECTRIC COMPANY.

ARTICLE 79.

MEMPHIS CONSOLIDATED GAS & ELECTRIC COMPANY.

ORDINANCE.

Right to
consolidate.

Sec. 1272. *Be it ordained by the Legislative Council of the City of Memphis, Tennessee*, That the Equitable Gas Light Company of Memphis, Tennessee, and the Memphis Light and Power Company, of Memphis, Tennessee, both corporations organized and existing under and by virtue of the laws of the State of Tennessee, and located and carrying on business in the City of Memphis, in said State, are hereby given permission and authority, and granted the right and privilege, to amalgamate and combine said corporations, either by consolidation of said corporations, or the merger of one of said corporations into the other, or the acquisition, by purchase, lease or otherwise, by one of said corporations of all the property and franchises of the other of said corporations, or to operate their respective plants, property and franchises under a common management, or to sell, convey, transfer, assign and set over their respective plants, property and franchises to another company now or hereafter organized, with power, under its charter, to manufacture and distribute gas, and to generate and distribute electric current for purposes of light, heat and power.

Conditions.

Sec. 1273. Said permission, consent and approval of the municipal government of the City of Memphis is given upon the following terms and conditions:

Preamble.

Whereas, the Legislative Council of the City of Memphis, heretofore, and on the 29th day of December, A. D. 1898, by ordinance duly passed and adopted, granted permission, consent and approval to the New Memphis Gas Light Company and the said Equitable Gas Light Company, to consolidate, either by merger of one of said corporations into the other, or to operate their respective plants under one common management, or to transfer their respective physical properties to a third gas company,

CONSOLIDATED GAS AND ELECTRIC COMPANY.

as in and by said ordinance is more fully and at length specified, and to which ordinance reference is hereby made for greater certainty; and subsequently, and pursuant to such permission, consent and approval, the said Equitable Gas Light Company acquired all the property and franchises of the New Memphis Gas Light Company; and,

Whereas, the terms and conditions of the ordinance evidencing the consent of the municipal government of the City of Memphis, to the amalgamation of said New Memphis Gas Light Company and of said Equitable Gas Light Company, was, in express terms, made to apply to and be binding upon any purchaser of, or successor to, the properties of the Equitable Gas Light Company or the New Memphis Gas Light Company, or both of them, as fully as the same should apply to and be binding upon the original companies; and,

Whereas, in and by the schedule of rates and charges for gas, in said ordinance of December 29, 1898, contained, said Equitable Gas Light Company is authorized to charge, and is now charging consumers thereof, one dollar and thirty-five cents (\$1.35) per thousand cubic feet, for gas for illuminating purposes, and one dollar and ten cents (\$1.10) per thousand cubic feet, for gas for fuel purposes; and,

Whereas, by the schedule of rates and charges for electric current, contained in that certain ordinance passed by the Legislative Council of the City of Memphis, on June 21, 1900, said Memphis Light and Power Company is authorized to charge, and is now charging consumers thereof, thirteen and one-half (13½) cents per thousand watts for electric current for illuminating purposes; subject, however, to reduction in charge, as is in said ordinance of June 21, 1900, provided, to which for greater certainty, reference is hereby made.

Sec. 1274. The permission, consent and approval of the municipal government of the City of Memphis to the amalgamation,

Conditions in ordinance of Dec. 29, 1898 and June 21, 1900, binding.

CONSOLIDATED GAS AND ELECTRIC COMPANY.

in any or either of the ways aforesaid, of the Equitable Gas Light Company and the Memphis Light and Power Company is upon the express condition that all of the conditions contained in said ordinance of December 29, A. D. 1898, and the ordinance of June 21, 1900, except as herein changed and modified, shall be binding upon the said Equitable Gas Light Company, or the Memphis Light and Power Company, or the company operating the plants, property and franchises of said corporations, as the case may be, or the successor of said companies, or either of them, or the company acquiring the property and franchises of said corporations, respectively, so far as the same are applicable, except as to the clauses, sections, paragraphs and provisions fixing the schedule of rates to be charged for gas, and in lieu of the clauses, sections, paragraphs and provisions fixing the rates to be charged for gas, contained in said ordinance of December 29, 1898, the Memphis Light and Power Company, and the Equitable Gas Light Company, or the purchasing or operating company acquiring the property and franchises of the other corporation, or any company into which the selling or consolidating company is merged, or consolidated, and any successor corporation acquiring the property and franchises of said Equitable Gas Light Company and said Memphis Light and Power Company shall charge the following rates, that is to say:

For gas, to consumers thereof, for illuminating and fuel purposes, the following net rates shall be charged, after allowing discount for prompt payment:

Schedule of
rates for
gas.

From and after October 1, 1902, and until January 1, 1904, gas, when used for illuminating purposes, one dollar and twenty cents (\$1.20) per thousand cubic feet; gas, when used for fuel purposes, one dollar (\$1.00) per thousand cubic feet.

From and after January 1, 1904, and until July 1, 1905, gas, when used for illuminating purposes, one dollar and ten cents

CONSOLIDATED GAS AND ELECTRIC COMPANY.

(\$1.10) per thousand cubic feet; gas, when used for fuel purposes, one dollar (\$1.00) per thousand cubic feet.

From and after July 1, 1905, gas, when used for illuminating purposes, one dollar (\$1.00) per thousand cubic feet; gas, when used for fuel purposes, one dollar (\$1.00) per thousand cubic feet.

Rates from
and after
1905.

For electric current to consumers thereof, the rates and charges shall be the rates and charges as fixed and determined in the ordinance aforesaid passed June 21, 1900, granted to the Memphis Light and Power Company; that is to say: The Memphis Light and Power Company or the purchasing or consolidated company shall at all times reduce its charges for incandescent lighting to correspond with general rates charged by any gas company selling illuminating gas in the City of Memphis, counting each cent per one thousand watts in the charge for standard incandescent electric current as corresponding to each ten cents per thousand cubic feet in the charge for sixteen candle power illuminating gas; it being distinctly understood and stipulated that the charges for electric current shall be reduced to correspond with the reduced charges for gas as hereinbefore set forth.

Schedule of
rates for
electric
current.

And from and after October 1, 1902, the Equitable Gas Light Company, or the purchasing or operating company, acquiring the property and franchises of the other corporation, or any company into which the selling or consolidating company is merged or consolidated, and any successor corporation acquiring the property and franchises of said Equitable Gas Light Company, and of said Memphis Light and Power Company, shall furnish, in each calendar year, during the period in which the Equitable Gas Light Company, or the New Memphis Gas Light Company may have the right to maintain pipes and to manufacture and sell gas in the City of Memphis, under present and existing contracts, ordinances and laws, for lighting purposes, free of cost

CONSOLIDATED GAS AND ELECTRIC COMPANY.

to the City of Memphis, gas to the amount of one thousand dollars (\$1,000), at the net rate of one dollar (\$1.00) per thousand cubic feet.

And, in consideration of the acceptance, as hereinafter provided, by the purchasing or operating company, or the company into which the selling or consolidating company is merged, or the company acquiring the property and franchises of the Equitable Gas Light Company and the Memphis Light and Power Company, of the reduced schedule of rates and prices for gas, as herein provided, and of the undertaking to furnish and supply gas free of cost to the City of Memphis, as herein provided, the rates, prices and charges made and specified to be made, in said ordinance of December 29, A. D. 1898, for gas to consumers thereof, are hereby cancelled and set aside, and the sixteenth section of said ordinance of December 29, A. D. 1898, is hereby repealed.

Section 16
ordinance
passed Dec.
29, 1898,
repealed.

Franchise
rights.

Sec. 1275. The purchasing or operating company, or the company into which the selling or consolidating company is merged or consolidated, and any successor corporation acquiring the property and franchises of said Equitable Gas Light Company, and of said Memphis Light and Power Company, shall, upon such purchase, or merger, or other acquisition of the property and franchises of the selling or merging and consolidating company, be entitled to, and be vested with, all and singular the rights, powers, privileges, and immunities of such corporations, respectively, and be authorized and empowered to exercise all the franchises of said corporations, and to manufacture and distribute gas for illuminating and fuel purposes, and to generate and distribute electric current for purposes of light, heat and power.

Limitation of
life of
franchise.

But it is now expressly understood and stipulated that nothing herein contained shall ever be construed as renewing or extending the period or date of maturity of any of the privileges, rights

CONSOLIDATED GAS AND ELECTRIC COMPANY.

and immunities heretofore granted by the City of Memphis, either to the Memphis Light and Power Company, the Equitable Gas Light Company, or the New Memphis Gas Light Company. And the right of the purchasing or consolidated, or operating company, to maintain its poles and wires along, above or under the streets or highways of the City of Memphis, and to sell light and electric current in the City of Memphis, shall absolutely cease and determine at the expiration of the period of thirty-five (35) years, as fixed in the ordinance aforesaid passed on June 21, 1900, granting to the Memphis Light and Power Company the rights and privileges therein set forth, and the right of the purchasing or consolidated company, or the company acquiring the property and franchises of the Equitable Gas Light Company, and the Memphis Light and Power Company, to maintain gas pipes along, or under, the streets of the City of Memphis, and to manufacture and sell gas within said city, shall cease and determine at such time or period as the right of the Equitable Gas Light Company and the New Memphis Gas Light Company to maintain such pipes and to manufacture and sell gas within the city, would cease and determine under present and existing contracts, ordinances and laws, just as if this ordinance had never been enacted.

And provided further, that nothing herein contained shall ever be construed as giving to the Memphis Light and Power Company, or to the Equitable Gas Light Company, or to the purchasing or consolidated company, or to any other person, or corporation, any exclusive right or franchises in, along, over or under the streets of the City of Memphis, or any exclusive right, privilege or franchises to manufacture or sell gas, electric current, heat, light or power within the said city.

No exclusive rights.

Sec. 1276. Nothing contained in this ordinance shall be of any force, virtue or effect, unless within thirty (30) days after the final passage hereof, a written stipulation, executed by the

Stipulation.

CONSOLIDATED GAS AND ELECTRIC COMPANY.

Equitable Gas Light Company, and the Memphis Light and Power Company, and duly authorized by their respective Boards of Directors, accepting the terms and conditions of this ordinance, and obligating said companies, respectively, to comply with the terms and conditions hereof, shall be filed with the said city. And, in the event that any third corporation shall be organized, for the purpose of consolidating the Memphis Light and Power Company, and the Equitable Gas Light Company, or purchasing or otherwise acquiring the property of either or both of said companies, then such purchasing or consolidated company shall, within sixty (60) days after such purchase or consolidation, file with the city a written stipulation, duly authorized by its Board of directors and executed by its officers, accepting all the terms and conditions of the ordinance passed December 29, A. D. 1898, granting certain privileges to the gas companies, except as herein modified or amended, and the ordinance passed June 21, 1900, granting certain privileges to the Memphis Light and Power Company, and the ordinance passed June 20, 1900, providing for the establishment of a conduit system in the City of Memphis, and also accepting all the terms and conditions of this ordinance. And such stipulation, when executed and filed, shall constitute a contract by and between the City of Memphis and such company or companies. And no such merger, consolidation or purchase shall be valid unless such purchasing or consolidating company shall have filed such stipulation as herein required.¹

Passed final reading September 25, 1902.

¹ The Mayor reported that he had been in conference with Messrs. R. A. Speed, President, and Richard Rees, Manager of the Memphis Consolidated Gas and Electric Company, respecting the installation of additional electric lights in the city; the Board of Fire and Police Commissioners having expressed themselves of the opinion that it would be well to dispense with a number of gas and vapor lights, to be replaced by electric lights. That the said representatives of the gas and electric company had agreed to furnish the city electric lights at \$75.00 per year each, provided the city would install not less than 200 additional lights, etc.

On motion of Mr. Walsh, seconded by Mr. Bruce, it was ordered that 200 extra arc lights be put up in the city, including those recently put up, under the supervision of Mr. Jos. Braun and the Mayor, at the rate of \$75.00 per year.

(See Book A, page 508, Board of Fire and Police Commissioners (Upper Board). Also Book B, page 145, Fire and Police Commission. Also Book B, page 110, Upper Board.)

CONSOLIDATED GAS AND ELECTRIC COMPANY.

STIPULATION.

MEMPHIS CONSOLIDATED GAS & ELECTRIC COMPANY ACCEPTING TERMS
AND CONDITIONS OF ORDINANCE PASSED SEPTEMBER 25, 1902.

Whereas, the Legislative Council of the City of Memphis, Tennessee, on September 25, 1902, passed and adopted a certain ordinance, wherein and whereby the permission and authority of the municipal government of the City of Memphis, Tennessee, was given and granted to the Equitable Gas Light Company of Memphis, Tennessee, and the Memphis Light and Power Company, to sell, convey, transfer, assign and set over their respective plants, property and franchises to another company, then or thereafter organized, with power, under its charter, to manufacture and distribute gas, and to generate and distribute electric current, for purposes of light, heat and power, as will more fully and at large appear by reference to said ordinance; and,

Whereas, the Memphis Consolidated Gas and Electric Company has power, under its charter, to manufacture and distribute gas, and to generate and distribute electric current, for purposes of light, heat and power, and to enable it to carry out the purposes of its incorporation, has acquired, by purchase, the property and franchises of the Equitable Gas Light Company of Memphis, Tennessee, and the Memphis Light and Power Company, severally, save and except the respective franchises of said corporations to be a corporation, severally; and,

Whereas, in and by said ordinance of the Legislative Council of the City of Memphis, Tennessee, passed and adopted September 25, 1902, it is provided that any company purchasing or otherwise acquiring the property of either or both said Memphis Light and Power Company and the Equitable Gas Light Company of Memphis, Tennessee, shall, within sixty (60) days after such passage, file, with the City of Memphis, a written stipulation, duly authorized by its Board of Directors, and executed by its officers, accepting all of the terms and conditions of that certain

CONSOLIDATED GAS AND ELECTRIC COMPANY.

ordinance passed December 29, 1898, granting certain privileges to the Equitable Gas Light Company of Memphis, Tennessee, (except as the same was and is modified or amended by said ordinance passed September 25, 1902), and also accepting all of the terms and conditions of that certain ordinance passed June 21, 1900, granting certain privileges to the Memphis Light and Power Company, and of that certain other ordinance, passed June 20, 1900, providing for the establishment of a conduit system in the City of Memphis, and also accepting all of the terms and conditions of said ordinance of September 25, 1902; and,

Whereas, on the 17th day of March, 1903, said Memphis Consolidated Gas and Electric Company acquired, by purchase, all and singular the property, assets and effects of the Memphis Light and Power Company, together with all franchises, licenses, rights and privileges of said Memphis Light and Power Company (save and except the franchise to be a corporation, granted by the State of Tennessee), and all and singular the property, assets and effects of the Equitable Gas Light Company of Memphis, Tennessee, together with all franchises, licenses, rights and privileges of said Equitable Gas Light Company of Memphis, Tennessee, (save and except the franchise to be a corporation, granted by the State of Tennessee), and said Memphis Consolidated Gas and Electric Company desires to accept said ordinance of September 25, 1902, and the terms and conditions thereof, and to file with the City of Memphis a written stipulation, being this instrument, duly authorized by its Board of Directors, accepting all the terms and conditions of said ordinance passed December 29, 1898, except as modified or amended by said ordinance passed September 25, 1902, and accepting the terms and conditions of said ordinance passed June 21, 1900, and said ordinance passed June 20, 1900.

Now, therefore, know all men by these presents, That the Memphis Consolidated Gas and Electric Company, in consideration

CONSOLIDATED GAS AND ELECTRIC COMPANY.

of the premises, does hereby accept the said ordinance passed and adopted by the Legislative Council of the City of Memphis, Tennessee, on September 25, 1902, and all the terms and conditions thereof, and does hereby covenant and agree to comply with, and abide by, the terms and conditions of said ordinance upon it imposed, as the company purchasing the property, assets and effects of the Memphis Light and Power Company, and the Equitable Gas Light Company of Memphis, Tennessee, in manner and form as is in said ordinance of September 25, 1902, contained and set forth.

And the Memphis Consolidated Gas and Electric Company does hereby stipulate and agree that it does, and will, accept all the terms and conditions of that certain ordinance passed December 29, 1898, granting certain privileges to the Equitable Gas Light Company of Memphis, Tennessee, except as said ordinance, and the terms and conditions thereof, has been, and is, modified, or amended, by the said ordinance passed and adopted by the Legislative Council of the City of Memphis, Tennessee, on September 25, 1902, and does also accept all the terms and conditions of that certain other ordinance passed and adopted June 21, 1900, granting certain privileges to the Memphis Light and Power Company, and does also accept all the terms and conditions of that certain other ordinance passed and adopted June 20, 1900, providing for the establishment of a conduit system in the City of Memphis.

In witness whereof, the Memphis Consolidated Gas and Electric Company has caused this instrument to be executed by its President and its corporate seal to be hereto attached, duly attested by its Secretary, the action of said President and said Secretary, respectively, being thereto authorized by the Board of Directors of the said Memphis Consolidated Gas and Elec-

CONSOLIDATED GAS AND ELECTRIC COMPANY.

tric Company. All done at the City of Memphis, Tennessee, this 18th day of March, A. D. 1903.

MEMPHIS CONSOLIDATED GAS & ELECTRIC CO.,

[SEAL M. C. G. & E. CO.] By G. M. GUNDERSON, President.

RICHARD REES, Secretary.

STATE OF TENNESSEE,

COUNTY OF SHELBY.

Richard Rees, being first duly sworn, states on his oath that he is the Secretary of the Memphis Consolidated Gas and Electric Company; that the foregoing acceptance and stipulation was executed on behalf of said Memphis Consolidated Gas and Electric Company by G. M. Gunderson, its President, and that the corporate seal of said Memphis Consolidated Gas and Electric Company was attached thereto by this affiant as its Secretary; that said acceptance and stipulation was authorized to be executed and filed with the City of Memphis, Tennessee, by resolution of the Board of Directors of said Memphis Consolidated Gas and Electric Company, duly adopted at a meeting held at the office of said company on the 17th day of March, A. D. 1903, at which meeting a quorum of the said Board of Directors was present; and that the said resolution is, at the date hereof, of full force and binding effect as the act and deed of the Board of Directors of said Memphis Consolidated Gas and Electric Company, and of said company.

Affiant further states that, at the time of the execution of this acceptance and stipulation, G. M. Gunderson was the President, and this affiant the Secretary, of said Memphis Consolidated Gas and Electric Company; that the corporate seal thereto attached is the corporate seal of said company; and that said acceptance and stipulation was executed by said President and this affiant, pursuant to the authority and direction of the Board

CONSOLIDATED GAS AND ELECTRIC COMPANY.

of Directors of said Memphis Consolidated Gas and Electric Company.

RICHARD REES,

Secretary of the Memphis Consolidated Gas & Electric Co.

Subscribed and sworn to before me this 18th day of March,
A. D. 1903.

[SEAL N. P.]

F. M. GUTHRIE, Notary Public.

STIPULATION.

EQUITABLE GAS LIGHT COMPANY AND MEMPHIS LIGHT & POWER
COMPANY.

Whereas, the Legislative Council of the City of Memphis, Tennessee, on September 25, 1902, passed and adopted a certain ordinance, wherein and whereby the permission and authority of the City of Memphis, Tennessee, was given and granted to the Equitable Gas Light Company of Memphis, Tennessee, and the Memphis Light and Power Company of Memphis, Tennessee, to amalgamate and combine said corporations, either by consolidation of said corporations, or the merger of one of said corporations into the other, or the acquisition, by purchase, lease or otherwise, by one of said corporations, of all the property and franchises of the other of said corporations, or to operate their respective plants, property and franchises under a common management, or to sell, convey, transfer, assign and set over their respective plants, property and franchises to another company now or hereafter organized, with power, under its charter, to manufacture and distribute gas, and to generate and distribute electric current, for purposes of light, heat and power, as will more fully and at large appear by reference to said ordinance; and,

Whereas, in and by said ordinance, it is provided that within thirty (30) days after the final passage thereof, a written stipulation executed by the Equitable Gas Light Company, and the Memphis Light and Power Company, and duly authorized by their respective Boards of Directors, accepting the terms and

CONSOLIDATED GAS AND ELECTRIC COMPANY.

conditions of said ordinance, and obligating said companies, respectively, to comply with the terms and conditions thereof, shall be filed with the said City of Memphis; and,

Whereas, for the purpose of accepting the said ordinance, and undertaking to comply with the terms and conditions thereof, such acceptance to be evidenced by written stipulation to be filed with said City of Memphis, Tennessee, the Board of Directors of the Equitable Gas Light Company, and the Board of Directors of the Memphis Light and Power Company, respectively, have authorized and directed the President and Secretary of said corporations, respectively, to execute and file with said City of Memphis, a formal written acceptance of said ordinance and stipulation to comply with the terms and conditions thereof, being this instrument.

Now, therefore, know all men by these presents, That the Equitable Gas Light Company, and the Memphis Light and Power Company, respectively, each acting for itself, its successors and assigns, does hereby accept the said ordinance passed and adopted by the Legislative Council of the City of Memphis, Tennessee, on September 25, 1902, and each of said corporations, acting for itself, its successors and assigns, does hereby covenant and agree to comply with the terms and conditions of said ordinance, and to be bound thereby, in manner and form as therein contained and set forth.

In witness whereof, the Equitable Gas Light Company has caused this instrument to be executed by its President, and its corporate seal to be hereto attached, duly attested by its Secretary, and the Memphis Light and Power Company has caused this instrument to be executed by its President, and its corporate seal to be hereto attached, duly attested by its Secretary; the action of said officers of said corporations, respectively, being thereto severally authorized by the respective Boards of Directors of said corporations.

CONSOLIDATED GAS AND ELECTRIC COMPANY.

All done at the City of Memphis, Tennessee, this 3d day of
October, A. D. 1902.

EQUITABLE GAS LIGHT COMPANY,

By FRANK GRAHAM JONES, President.

Attest: FRANK JONES, Secretary.

[SEAL E. G. L. CO.]

MEMPHIS LIGHT & POWER COMPANY,

By SAMUEL T. CARNES, President.

Attest: J. W. CLAPP, Secretary.

[SEAL M. L. & P. CO.]

STATE OF TENNESSEE,

COUNTY OF SHELBY.

Frank Jones, being first duly sworn, states on his oath that he is the Secretary of the Equitable Gas Light Company; that the foregoing acceptance and stipulation was executed on behalf of the Equitable Gas Light Company by Frank Graham Jones, its President, and that the corporate seal of said Equitable Gas Light Company was attached thereto by this affiant as its Secretary; that said acceptance was authorized to be executed and filed with the City of Memphis by resolution of the Board of Directors of the Equitable Gas Light Company, duly adopted at a meeting held at the office of said company on the 3d day of October, A. D. 1902, and that said resolution is, at the date hereof, of full and binding force and effect, as the act and deed of the Board of Directors of said Equitable Gas Light Company. Affiant further says that at the time of the execution thereof, the said Frank Graham Jones was President, and this affiant was Secretary, of said Equitable Gas Light Company; that the corporate seal thereto attached is the corporate seal of said Equitable Gas Light Company; and that this instrument was executed by said President and this affiant pursuant to authority and direc-

CONSOLIDATED GAS AND ELECTRIC COMPANY.

tion of the Board of Directors of said Equitable Gas Light Company.

FRANK JONES,

Secretary of the Equitable Gas Light Co.

Subscribed and sworn to before me this 3d day of October,
A. D. 1902.

F. M. GUTHRIE,

[SEAL N. P.]

Notary Public, Shelby County, Tenn.

STATE OF TENNESSEE,

COUNTY OF SHELBY.

J. W. Clapp, being first duly sworn, states on his oath that he is the Secretary of the Memphis Light and Power Company; that the foregoing acceptance and stipulation was executed on behalf of the Memphis Light and Power Company by Samuel T. Carnes, its President, and that the corporate seal of said Memphis Light and Power Company was attached hereto by this affiant as its Secretary; that said acceptance was authorized to be executed and filed with the City of Memphis, by resolution of the Board of Directors of the Memphis Light and Power Company, duly adopted at a meeting held at the office of said Company on the 3d day of October, A. D. 1902, and that said resolution is, at the date hereof, of full and binding force and effect, as the act and deed of the Board of Directors of said Memphis Light and Power Company. Affiant further says that at the time of the execution hereof, the said Samuel T. Carnes was President, and this affiant was Secretary, of said Memphis Light and Power Company; that the corporate seal thereto attached is the corporate seal of said Memphis Light and Power Company; and that this instrument was executed by said President, and this affiant, pursuant to authority and direction of the Board of Directors of said Memphis Light and Power Company.

J. W. CLAPP,

Secretary of the Memphis Light and Power Co.

Subscribed and sworn to before me this 3d day of October,
A. D. 1902.

F. M. GUTHRIE,

[SEAL N. P.]

Notary Public, Shelby County, Tenn.

MERCHANTS' POWER COMPANY.

MEMPHIS CONSOLIDATED GAS & ELECTRIC COMPANY.

The Mayor reported that he had been in conference with Messrs. R. A. Speed, President, and Richard Rees, Manager of the Memphis Consolidated Gas and Electric Company, respecting the installation of additional electric lights in the city; the Board of Fire and Police Commissioners having expressed themselves of the opinion that it would be well to dispense with a number of gas and vapor lights, to be replaced by electric lights. That the said representatives of the gas and electric company had agreed to furnish the city electric lights at \$75.00 per year, each, provided the city would install not less than 200 additional lights, etc.

On motion of Mr. Walsh, seconded by Mr. Bruce, it was ordered that 200 extra arc lights be put up in the city, including those recently put up, under the supervision of Mr. Jos. Braun and the Mayor, at the rate of \$75.00 per year.

(See Book A, page 508, Board of Fire and Police Commissioners (Upper Board). Also Book B, page 145, Fire and Police Commission. Also Book B, page 110, Upper Board.)

ARTICLE 80.

MERCHANTS' POWER COMPANY.

ORDINANCE.

Sec. 1277. *Be it ordained by the Legislative Council of the City of Memphis, hereafter called the City, That the Merchants' Power Company, a corporation created and existing under the laws of the State of Maine, and hereinafter called the company, its successors and assigns, be, and is hereby given, the right and privilege of constructing, owning and maintaining or operating, during the period ending November 1, 1930, lines for conducting electrical energy through the streets, alleys, lands and squares and public places of the City of Memphis; and to erect and construct, lease, acquire or operate wires, poles, conduits, manholes*

Electric light
franchise
ending Nov.
1, 1930.

MERCHANTS' POWER COMPANY.

or other equipment as may be necessary to enable the company to furnish electricity for commercial light, power and general purposes.

Conditions. Sec. 1278. The rights and privileges herein granted to the company are granted solely upon the terms and conditions hereinafter set forth, each and all of which terms and conditions are hereby declared to be conditions precedent to the original or continued enjoyment of any such rights or privileges.

Rate of charges. Sec. 1279. The company shall have the right to charge consumers of electrical energy 10 cents per kilowatt, but shall allow to consumers who contract with it for a period of five years a discount of 15 per cent. on this rate, and an additional discount of 5 per cent. shall be allowed to all consumers for the payment of bills on or before the 10th day of the month for the previous fiscal month's supply.

Uses for power purposes. If such energy is used for power purposes in propelling machinery used for manufacturing purposes only, such discount for such five-year contracts and prompt payment of bills shall be made as will make the net rate to the consumer for the first one hundred kilowatts per month, $7\frac{1}{2}$ cents; for the next one hundred kilowatts, 7 cents per kilowatt; for the next one hundred kilowatts, 6 cents per kilowatt; for the next one hundred kilowatts and over, 5 cents per kilowatt; or a flat rate of \$4.50 per horse power per month of twenty-five working days of ten working hours, at the option of the consumer.

To make rate conform to that of other companies. If at any time after five years from the date at which the company has been furnishing service, any other corporation doing a general business of selling electrical energy in the city, shall put into effect a general rate for incandescent lighting less than the rate permitted to be charged, this company shall reduce its rate accordingly while such competing rate is maintained, so that the same shall not exceed the rate generally charged by

MERCHANTS' POWER COMPANY.

such competing corporation for similar service. But this company shall not be bound to meet the reduced rates of any such competitor unless the system operated by it shall comprise at least twenty-five miles of electric wires used for lighting and power purposes, and such rate shall be in actual and general operation for six months.

Sec. 1280. The company shall furnish free of cost to all consumers of incandescent current, renewals of clear glass lamps, 8, 16 or 32 candle power, when the efficiency of such lamps is impaired to the extent of 25 per cent., upon the lamps being returned to the company's office with the glass unbroken and base sealed. To furnish lamps free.

In case of dispute as to the necessity for such lamp renewals, the issue shall be determined by the City Electrician, and his judgment shall be conclusive on the parties. Renewals of lamps.

The company may require a deposit from irresponsible customers as a guaranty of safe return of meters. Deposit

Sec. 1281. The company shall put in and maintain in all circuits where energy is furnished on meter basis, standard recording watt meters. Meters.

The City Electrician is hereby constituted the Inspector of Electric Meters. It shall be his duty when called upon by the city, the company, or any private consumer to inspect any electric meter, and by proper test determine whether the same is correct. If the meter is running fast the company shall pay the inspector a fee of 50 cents for each meter tested, and also all necessary expenses of the test. If the meter is correct, or running slow, the private citizen asking for the test shall pay the expenses of the test, and the fee of 50 cents. In case the city asks for the test and the meter is found to be correct or slow, the city shall pay only the actual expense of the test. All inspection fees shall be paid to the County Trustee for the use of the city. In all cases City Electrician to inspect meters.

MERCHANTS' POWER COMPANY.

where the meter is found incorrect the company shall correct it at once.

Conduit district.

Sec. 1282. The company shall not cross or parallel any streets or alleys or public places in the conduit district with poles and aerial lines, but all such lines shall be placed in underground conduits; and the company is granted the privilege of acquiring conduit space and manholes by lease or purchase from any of the companies now owning same by agreement with said companies; or in the manner provided in the conduit ordinance, and the several contracts and ordinances under which the conduits now in the city were constructed. Or the company may construct its own independent system of conduits and manholes.

To replace streets, etc., in good condition.

Sec. 1283. The company shall, in the erection of their poles, and the laying of their conduits, replace the earth, sidewalks and streets, in all respects, in as good condition as they were before being disturbed, and to the entire satisfaction of the City Engineer, and the work shall be done so as not to interfere unnecessarily with, or injure any public or private property, or with the public service in any way.

Liable for all damages.

Sec. 1284. The company, as between it and the City of Memphis, shall be liable for all damages that may arise on account of the work of construction or the maintenance and operation of the said grantees to private property or to persons, or by any reason of any default of the company, and it shall save and hold the city harmless from all such damages.

Smoke consumers.

Said company shall in both plants install smoke consumers of the latest improved pattern.

Posts.

Provided, further, That the said company shall use only the best red cedar, chestnut or steel poles for the purpose of maintaining their wires.

MERCHANTS' POWER COMPANY.

Sec. 1285. The company shall begin furnishing electric service at the rates and in the manner herein specified in the conduit district not later than January 1, 1907.

Service to
commence.

Said company, whenever notified by the city, shall extend its service into any part and along any streets of the City of Memphis, and all of the territory hereafter annexed thereto, whenever there shall be as many as two consumers and one street lamp for each 500 feet of extension, or, if no street lamp, then whenever there shall be as many as five consumers for each 500 feet of extension.

To extend
service.

Sec. 1286. That if at any time after ten years from the date of the execution of this contract, the said City of Memphis should desire to acquire the ownership of the entire Merchants' Power Company's electric plant and properties, the latter company hereby agrees to sell the same to said municipality upon terms fair, just and reasonable to both parties, but said municipality shall give said Merchants' Power Company six months' notice of its determination to make said purchase.

Option to
purchase
plant.

And if by the time of the expiration of said notice the said parties shall not have agreed upon a price, then that said power plant and properties shall be valued by two disinterested electrical engineers, one to be appointed or selected by each party, and a third electrical engineer to be appointed by the two parties so selected, and upon the payment to said Merchants' Power Company by the City of Memphis of the valuation so assessed and fixed, without reference to the franchise value, the right to all such power plant and properties shall vest in said City of Memphis.

Appraisers' of
franchise
value.

And in the event that said Merchants' Power Company, at the end of six months, shall refuse, when requested by the said City of Memphis, to select one disinterested engineer upon its part as aforesaid, then that said City of Memphis may and shall, within ten days after, appoint the two disinterested persons

MERCHANTS' POWER COMPANY.

aforesaid, who shall select the third as above provided. It is also agreed that the aforesaid six months' notice, whenever given, shall be so given as to expire on the 1st of January or the 1st of July next thereafter.

Franchise gas
plant,
35 years.

Sec. 1287. The company is hereby given and granted the further right and privilege of erecting and maintaining for the period ending November 1, 1935, in the City of Memphis, a gas plant, and to occupy with its pipes and mains, posts, and apparatus, the streets and alleys, sidewalks and public places of the city.

To re-lay
streets
taken up.

Whenever streets, sidewalks or pavements of any kind are taken up by the company for the purpose of laying said mains or pipes, the company shall relay or replace said streets, sidewalks or pavements under the supervision of the City Engineer.

Candle power. Sec. 1288. Said company shall in no event furnish gas to the city or its inhabitants of less than 20 candle power, and they are relieved of the duty of furnishing gas of more than 20 candle power.

But nothing in this ordinance shall be considered to limit the right of the consumer to attach to or near his burners any improved burner, regulator or carburetter.

Meters.

Sec. 1289. Said company shall furnish correct meters. Said meters shall be subject at all times to the inspection of the inspector selected and chosen by the city. All meters running either fast or slow not more than 2 per cent. shall not be considered in violation of the law, or subject the offender to a fine, but said meter shall, upon the request of consumer, be corrected. If a meter is fast beyond 2 per cent., then credit shall be given upon the bills of the company furnishing the gas for said excess; but no allowance of said credit shall be made beyond a period of six months.

MERCHANTS' POWER COMPANY.

Sec. 1290. Said company shall furnish free of cost, service Pipes to
pipes from their mains to the property line of the consumer. line.

Sec. 1291. No gas shall be sold at prices exceeding 90 cents Rate of
for 1,000 cubic feet. Provided, that if at any time a corporation charges,
engaged in the general business of furnishing gas in the City
of Memphis shall reduce its rates below that herein authorized to
be charged, the company shall reduce its rate accordingly, so
that the same shall not exceed the rate generally charged by
such corporation for gas. But such rate must have been in force
for six months.

Sec. 1292. Should the company not install its gas plant prior
to January 1, 1910, this franchise, so far as it authorizes the
construction of a gas plant, shall become void; but the validity
of the other grants herein shall not be thereby affected.

Sec. 1293. The city grants herein only such rights and privi- Grants only
leges and contracts only such liabilities as it is authorized by such rights
law to grant and contract, and it shall not be liable for any as city has
want of power to pass this ordinance or make this contract; the power.
but if any part of this ordinance or contract shall be invalid,
such part of same shall be treated as surplusage, and the valid
portion shall be effective. The city does not grant away any of
its police powers in any respect to or over the premises, rights
and privileges made the subject of this ordinance. The express
power is reserved to enlarge said conduit district, and to make
and enforce other regulations which progress in the electrical
art may make necessary. The city does not grant any interest
in the soil, but only the rights and privileges herein specifically
enumerated; and only upon the conditions, and with the limita-
tions prescribed in this ordinance. Nothing herein shall be con-
strued as a waiver by the city of any of its taxing powers.
Nothing herein contained shall be construed as the grant of
any exclusive right or privilege of any character.

MERCHANTS' POWER COMPANY.

Forfeiture. Sec. 1294. The original and continued performance of each and every stipulation and condition contained herein on the part of the company is a condition of the grant herein contained, and the failure of the company to comply with this ordinance in the manner and within the time prescribed shall, at the option of the city, work an entire forfeiture and cessation of all rights and privileges granted herein, but such forfeiture shall not be enforced unless the company shall for sixty days after notice neglect to perform the obligations imposed.

Rights may
be assigned.

Sec. 1295. The rights, privileges and franchises, or any of them, herein granted may be assigned, transferred or encumbered, but always subject to the limitations and conditions herein provided. But it is expressly understood that neither the company nor any successor or assign shall consolidate with the Consolidated Gas, Electric Light and Power Company, except by the consent of the city being first obtained, together with the payment to the city of \$100,000 as a penalty therefor.

Lights on
Main street.

Sec. 1296. In consideration of the grant of the rights hereinbefore enumerated, the company agrees to light Main street with a sufficient number of arc lights, 450 watts, from north side of Auction street to the south side of Broadway, the number of lights to be determined by the Legislative Council; but under no circumstances to be less than fifty lights.

Arc lights.

It is also agreed that the city will never be required to pay more than \$75 per arc light; or, 7 cents per kilowatt for all other lights.

Stipulation.

Sec. 1297. As a condition precedent to the enjoyment of any of the rights and privileges herein granted to said company, said company shall, within twenty days from this date, file with the City Secretary a written stipulation consenting to this ordinance and binding itself to comply with all the terms and provisions

MERCHANTS' POWER COMPANY.

of same; said stipulation to be authorized by a duly constituted meeting of stockholders of the company.

Sec. 1298. Within the same time the company shall file with Bond. the City Secretary a good bond, to be approved by the Board of Fire and Police Commissioners, in the penalty of \$50,000, conditioned that it will begin furnishing electric service to private consumers in the conduit district by January 1, 1907.

Passed final reading Friday, February 24, 1905.

STIPULATION.

At a special meeting of the stockholders of the Merchants' Power Company, held at Augusta, Maine, at the office of Williamson & Burleigh, on March 6, 1906, all of the stockholders being represented in person or by proxy, the following resolution was unanimously adopted:

"Resolved, That the Merchants' Power Company does accept the ordinance entitled the 'Merchants' Power Company Ordinance," passed by the Legislative Council of the City of Memphis, February 24, 1905, and does hereby consent to said ordinance and binds itself to comply with all the terms and conditions of same.

"Resolved, further. That a copy of this resolution be filed as the stipulation required by Section 19 of said ordinance with the City Secretary."

I certify that the foregoing is a true and correct copy of the resolution of the Merchants' Power Company, adopted at the special meeting of the stockholders on March 6, 1905, and pursuant to the resolution then adopted this stipulation is filed with the City Secretary in compliance with Section 1297 of said ordinance.

W. H. FLOWERS, Secretary.

March 14, 1905.

CONDUIT ORDINANCE.

ARTICLE 81.

CONDUIT ORDINANCE.

Conduit
district.

Sec. 1299. *Be it ordained by the Legislative Council of the City of Memphis*, That, except as hereinafter provided, every person, firm, corporation or organization having obtained or that may hereafter obtain, a grant or permission to operate within the City of Memphis any telegraph, telephone, electric light or power service, requiring the distribution of electrical energy by means of wires along or across the public thoroughfares of the city, are hereby prohibited, from and after the passage of this ordinance, from constructing such wire, lines or any of their poles or appurtenances above the ground in passing along or across such public thoroughfares within the limits to be known as the "Conduit District," bounded as follows: On the north by the first alley north of Exchange street; on the south by a line one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet south of the south line of Vance street; on the east by the first alley east of Third street from Exchange street south to [Madison avenue, and thence extended east on Madison avenue to a point not less than one hundred and fifty feet east of the east line of Wellington street; thence returning on the south side of Madison avenue to the first alley east of Third street; and running thence South to] Union street; thence east on Union street to Hernando street; thence along the east line of Hernando street to [Beale avenue, and running thence east on Beale avenue to two hundred feet east of Fourth street (formerly DeSoto street); thence returning on the south side of Beale avenue to Hernando street; thence south along the east line of Hernando street to] a point one hundred and forty-eight and one-half ($148\frac{1}{2}$) feet south of the south line of Vance street; and on the west by a line commencing at Exchange street twenty (20) feet west of

1. In brackets passed January 30, 1909.

The extension of district on Madison and Beale avenues passed September 17, 1908, and January 30, 1909.

CONDUIT ORDINANCE.

the west line of Front street; thence south to Howard Row; thence west with Howard Row to Clinton street; thence south with the west side of Clinton street to a point one hundred and forty-eight and one-half (148½) feet south of the south line of Vance street. Said Conduit District shall include said streets.

Provided, That the following overhead wires with their appurtenances are excepted from the requirements of this ordinance:

Excluded wires.

- a. All wires and poles used for street railway operation.
- b. All wires and lamp poles, with such appurtenances as may be deemed desirable by the Legislative Council of the city, used for the purpose of public street lighting.
- c. Such wires, poles and other appurtenances as may be deemed unobjectionable by the Legislative Council of the City of Memphis, within the limits of any block used for the purpose of sub-distribution of wires within that block; but in no event shall such wires be permitted to cross any street or alley overhead, within such Conduit District.

Sec. 1300. *Be it further ordained*, That any person, firm or corporation owning any telegraph, telephone, electric power or other electric service lines, with the exceptions aforesaid, passing along or across any public thoroughfares within the territory described, above ground, shall remove all of their poles, wires, guy-wires, and all other appurtenances within six months after the passage of this ordinance. All the expenses connected with the removal of such poles, wires and other appurtenances, and the making good of any damage done to any public or private property in so doing, shall be borne by the parties owning such poles, wires and appurtenances. When poles are removed from public streets, thoroughfares or alleys, the hole shall be filled up and the sidewalks and pavements placed in good condition similar to the surrounding sidewalk or pavement, and in a manner satisfactory to the City Engineer.

Removal of overhead wires, etc.

CONDUIT ORDINANCE.

Sec. 1301. *Be it further ordained*, That in the public thoroughfares, streets, alleys and squares within the territory hereinabove described, after six months from the passage of this ordinance, all electric service wire lines, with the exceptions hereinabove mentioned, shall be placed in conduits underground, under the following restrictions and regulations:

Control of
manholes.

The city shall control all manholes into which conduits run.

Application
for permits.

Before any person, firm or corporation shall proceed to construct, alter or repair any such underground conduit into which to run any electric service wire line, said person, firm or corporation shall make application to the Legislative Council for a permit to perform such work. Such application shall state the name of the applicant, the purpose for which the use of the conduit or conduits is desired, the materials of which it is proposed to construct them, together with the plans and specifications showing the proposed method of construction. All such applications shall be accompanied by detailed plans showing the desired route of conduits, grouping of ducts and distribution of boxes.

Applications shall also state the arrangement, section and general disposition of electrical conductors which it is proposed to place in the conduits for which application is made to construct.

Duties of
City Engineer.

When such applications, together with the data mentioned, have been filed with the City Engineer, it shall be his duty to see that proposed conduits in their route, disposition, material and construction conform with the general rules and requirements governing same, adopted by the City of Memphis.

The City Engineer shall also decide as to proper depths, gradients, ventilation and drainage proposed to be given to the conduits, such data receiving also the indorsement of all city officers whose duties require them to supervise any underground

CONDUIT ORDINANCE.

construction whatever, so that no undue interference with the other underground construction may result from the building of the conduits.

Conduits shall be provided with ducts 50 per cent. in excess of those required to carry the wires in use along the routes of the proposed conduits at the time of making application for a permit to construct the same.

After approval of the proposition on which a permit is desired ^{Bond.} and amended if necessary, the party or parties submitting the same shall file with the Mayor a penal bond in the sum of ten thousand (\$10,000) dollars, with two or more good and sufficient sureties, approved by the Mayor, conditioned that the conduit construction shall be carried out in accordance with the terms of this ordinance, or with the rules and regulations governing conduit construction and use, approved by the Legislative Council, that the City of Memphis shall be held harmless from all suits for damages that may arise from the construction of any conduit, or that may arise from operations therein, or that may arise in any way as a result of said construction or operation. Whereupon a permit shall be issued for the construction of the conduits.

Before any electrical service wires are placed in any conduit so constructed, a permit will be required. ^{Permit to place wires.} Application for this permit shall be made by the person, company, corporation or organization owning the conduit. All such applications shall state:

The name of the applicant.

The purpose for which the use of the conduit or conduits is desired.

The number, material and dimensions of conductors proposed to be placed in any conduit.

CONDUIT ORDINANCE.

The arrangement of said conductors, whether singly or in cables, and if in cables, the number of conductors and their disposition in each cable.

The maximum electro-motive force to be used on said conductors.

The nature of the insulating material or materials to be employed, and such other specific information as will fully explain the use to be made of the conduit.

Issuance of
permit.

On approval of the Legislative Council or its duly authorized officer a permit shall be issued for the performance of this work, conditioned on the conformation to the rules and regulations governing the occupation of electrical conduits, approved by the Legislative Council, and placed on public file.

All repairs, alterations or work of any kind required on the conduits, the electrical conductors or their appurtenances, shall be subject at all times to the rules and regulations concerning such work approved by the Legislative Council and placed on public file.

When it becomes necessary to depart from any plans approved by the Legislative Council because of obstructions, it will be the duty of any party carrying on work on or in any electrical conduit to immediately report the difficulty to the City Engineer, and at the same time to submit an alternative plan of construction calculated to overcome the difficulty. No departure from standard construction primarily approved by the Council shall be allowed until such modifications have had the approval in writing of the City Engineer.

Plans.

Plans showing all details of conduit construction and the disposition of all electrical conductors and apparatus within or connected with the conduits, shall be filed with the City Engineer promptly on the execution of any work, so that a com-

CONDUIT ORDINANCE.

plete record of all conduits, with their appurtenances and over-ground connections, together with the electrical conductors and apparatus installed in connection therewith, shall at all times be on file with said City Engineer.

Sec. 1302. *Be it further ordained*, That in the construction, Excavations.
alteration or repairs of any conduit or its appurtenances, no excavation shall be made on any one continuous line for a greater length than four blocks at the same time, nor shall any excavation be permitted to exist in any public thoroughfare for a longer period than is absolutely necessary to properly and expeditiously perform the work for which a permit is granted. All excavations made in pursuance of the right which may be granted under this ordinance shall at all times be provided with sufficient guards and lights to render the same secure in themselves, and free from becoming a source of danger to the public.

All excavations for trenches or manholes shall be back-filled and tamped, to the satisfaction of the City Engineer, and all repairs shall be done by the city, of materials similar to that surrounding the street or pavement, and the company or companies making such excavations shall pay to the city the cost of such repairs at the end of the month during which such repairing is done.

Sec. 1303. *Be it further ordained*, That all surface improve- Repair of
surface.
ments disturbed in connection with the construction, alteration, repairs or use of any conduit, sub-distribution pole, or their appurtenances, carried on under the terms of this ordinance, shall be repaired to the satisfaction of the City Engineer in conformity to the city specifications for paving sidewalks or other improvements at the expense of the person, company, corporation or organization possessing the permit or right required for carrying on such construction, alteration, repairs or use. Such

CONDUIT ORDINANCE.

party or parties shall, moreover, keep such repaired surface improvements in a condition satisfactory to the City Engineer for a period of one year after they have been repaired.

Should such party or parties fail to promptly fulfill the requirements of this section of this ordinance, the city may proceed with any or all of such work and charge the cost of performing the same to said party or parties. This proviso shall not give immunity from any penalty attached to the violation of the requirements of the ordinance.

Disturbance
of conduits.

Sec. 1304. *Be it further ordained*, That if any person, company, corporation or organization shall disturb any conduit laid in accordance with the requirements of this ordinance, or interfere with its legitimate use, such party or parties shall pay all costs or damages resulting from such disturbance or interference.

Manholes.

Sec. 1305. *Be it further ordained*, That the Western Union Telegraph Company, the Postal Telegraph Company, the Cumberland Telephone and Telegraph Company, the Memphis Telephone Company, the Memphis Light and Power Company, and the American District Telegraph Company, shall construct all the manholes required for putting the wires underground, provided in this ordinance, and the cost of constructing and maintaining said manholes shall be borne and prorated among said companies in proportion to the number of ducts entering said manholes.

Construction.

All of said manholes shall be constructed of such size and character as will enable them to accommodate 50 per cent. more ducts than all the companies entering them will at first require. Said manholes shall be constructed in accordance with plans and specifications approved by the Legislative Council.

Use of man-
holes.

After said manholes have been constructed they shall be under the absolute control of the city, or some officer designated by

CONDUIT ORDINANCE.

the city, to be used and occupied by said companies for the purpose of connecting their conduits and ducts therewith. The companies using said manholes shall allow only careful and experienced men to enter said manholes; and upon proper evidence submitted to the Mayor that such men are careful and experienced he shall issue to such employes permits enabling them to enter said manholes, said permits to be granted for periods not longer than six months at a time.

Sec. 1306. *Be it further ordained*, That any company, other than those expressly named herein, desiring to enter and use said manholes, shall be permitted to enter the same and use the same by first getting a permit from the city, and by paying its proper pro rata of the cost of construction and maintenance of said manholes, such pro rata to be determined by the Legislative Council. Other companies.

Sec. 1307. *Be it further ordained*, That no person, company, corporation or organization owning, occupying or having rights in conduits under this ordinance shall sell, lease or sub-lease any property or privilege in connection therewith, without first obtaining the consent of the Legislative Council, nor shall any of said companies consolidate with any other company or companies without the consent of the Legislative Council; nor shall any conduit or duct be used otherwise than for specific public services authorized by the Council. Transfer of conduit rights.

It is now expressly ordained and provided that no person, firm or corporation shall, by reason of compliance with this ordinance, acquire any rights or privileges other or further than herein specifically expressed; and nothing herein contained shall be construed as extending or changing the terms, length of time or any of the conditions of any contract or agreement now existing between the City of Memphis and any such person, firm or corporation; and the occupation and operation of said

RAILROAD TRACKS ON RIVER FRONT.

conduits and manholes shall be upon the same terms, lengths of time and conditions as now fixed by law or contract for the maintenance and use of overhead poles and wires.

Statements
filed.

Sec. 1308. *Be it further ordained*, That the companies constructing and maintaining said manholes shall file with the City Engineer itemized, full and complete statements of the cost of constructing and maintaining said manholes.

Fine for
violation.

Sec. 1309. *Be it further ordained*, That any person, firm or corporation who shall violate any of the requirements of this ordinance shall, on conviction thereof in the Police Court of the City of Memphis, be fined in any sum not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), and each day's violation shall be considered a separate and distinct offense.

Passed June 20, 1900.

ARTICLE 82.

RAILROAD TRACKS ON RIVER FRONT.

ORDINANCE NO. 1.

Sec. 1310. *Be it ordained by the Legislative Council of the City of Memphis*, That all the railroad tracks now laid on the public levee between Beale street and Adams street shall be elevated above the surface of the ground, and put upon a superstructure constructed of stone and iron.

Height.

At the street crossings the elevation of said superstructure shall be fifteen feet in the clear above the surface of the street.

Plans.

Before the elevation of said tracks is commenced, the complete plans and specifications shall be submitted to the Legislative Council for its approval.

Time allowed.

The elevation of said tracks shall be completed before June 1, 1901.

Forfeiture.

The failure to elevate said tracks and to build and complete said superstructure in the manner and within the time pre-

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY:

scribed, shall work an entire forfeiture of all privileges and rights to maintain or operate said tracks along or across said public levee, and such failure shall render each railroad company owning or operating said tracks guilty of a misdemeanor, and each company shall be subject to a fine of not less than \$10 nor more than \$50 for each and every car or engine run over said tracks after June 1, 1901, except upon the tracks elevated as herein required, Misdemeanor.

Passed November 8, 1900.

(Suspended by Legislative Council November, 1901.)

ARTICLE 83.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY:

ORDINANCE NO. 1.

AN ORDINANCE granting to the Clarksdale, Covington & Collierville Interurban Company the right to construct, maintain and operate electric railway lines in the City of Memphis.

Sec. 1311. First—*Be it ordained by the Legislative Council of the City of Memphis*, That the Clarksdale, Covington & Collierville Interurban Company, hereinafter called the company, a corporation chartered under the general laws of the State of Tennessee, is hereby, for the term of thirty years, granted the right of way, franchises and permission to locate and construct, establish, maintain and operate an electric railway with single or double tracks, with all necessary and convenient turn-outs, side tracks, switches and connections, poles and aerial equipment in, over, upon, along and across the routes hereinafter enumerated, or any of them, in the City of Memphis, County of Shelby and State of Tennessee. Franchise
thirty years.

Beginning at the intersection of Vallentine avenue and Breedlove street; south on Breedlove street to a point east of Muller place; west on intervening property and Muller place to Looney Route:
Breedlove to
Latham.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

avenue; thence west on Looney avenue to Third street; thence south on Third street to Union avenue, and crossing intervening public and private property, streets and alleys, from Union avenue to Rayburn boulevard; thence east on Butler avenue to South Fourth street; thence south on South Fourth street, crossing intervening property and on, over or under Broadway to South Third street; thence south on, over or under South Third street, and crossing streets, alleys and intervening property to its terminus at McLemore avenue; thence proceeding southwardly, crossing McLemore avenue, private property and intervening streets, to Latham street at or near its intersection with Trigg avenue.

Iowa to E.
Long Place.

Also proceeding over said route east on Iowa avenue to South Fourth street; thence south on South Fourth street to Iowa avenue, as opened and improved under the provisions of an ordinance entitled "An ordinance granting certain rights, privileges and franchises in the City of Memphis, Tennessee, to the Memphis Railroad Terminal Company, for the purpose of constructing, operating and maintaining in the corporate limits of the said city passenger stations and terminals;" thence east on Iowa avenue as changed and improved in said ordinance, to Willoughby street; thence south on Willoughby street to East Long place; thence west on East Long place and private property to South Third street.

Joint use
of streets.

The change of route above given and granted is made subject to the right of the Legislative Council to allow any other street car or interurban company to jointly use the streets over which said change of route is given with said Clarksdale, Covington & Collierville Interurban Company upon the same basis as is provided for the use of Third street from Union avenue to Jackson avenue, in an ordinance granting to said company the right to construct, maintain and operate electric car lines in

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

the City of Memphis, Tennessee, passed final reading September 20, 1907; and subject to all other conditions, provisions and restrictions contained in said ordinance, passed final reading September 20, 1907.¹

Also proceeding from said route east on Lucy avenue to Lauderdale street, south on Lauderdale street to Trigg avenue. Lucy to Trigg.

Also north from Trigg avenue on South Willett street to Cayce avenue; east on Cayce avenue, private property and Carnes avenue to and crossing the Speedway in the general direction of Collierville. S. Willett to Speedway in direction of Collierville

Provided, however, that all routes, rights, privileges and franchises herein granted by this ordinance to the Clarksdale, Covington & Collierville Interurban Company within the territory bounded on the north by the north line of Broadway; on the east by Mississippi avenue; on the south by Alston avenue, and a projection of Alston street from a point where Cannovan street extended would intersect Alston avenue west to Rayburn avenue; and on the west by Rayburn avenue, are given and granted subject and subordinate to the rights, privileges and franchises which may hereafter be granted by the Legislative Council of the City of Memphis to the Memphis Railroad Terminal Company. And all rights, routes, privileges and franchises granted by this ordinance in the above described territory shall be subject to such changes by the Legislative Council of the City of Memphis as it may deem necessary for the proper construction and operation of the terminal facilities of said Terminal Company, and for the access of the public to such facilities and the use thereof; but such terminal ordinance shall be introduced not later than December 1, 1907. Subject to the rights of the Memphis Railroad Terminal Co.

¹ Paragraphs 3 and 4 passed November 5, 1908.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

City not liable
for change of
routes.

And, provided, further that neither the City of Memphis nor the Memphis Railroad Terminal Company shall be liable to the Clarksdale, Covington & Collierville Interurban Company for any damage by reason of, and on account of, the change of any of the routes, rights, privileges and franchises herein granted in the above described territory; but the Memphis Railroad Terminal Company shall pay the costs, if any, of shifting any tracks laid by the Clarksdale, Covington & Collierville Interurban Company, made necessary by the construction of the Terminal Company in the above described territory, but not elsewhere or otherwise.

Tracks not
to be laid
until com-
pany is ready
to operate.

And provided, further, that no tracks shall be put down in the territory above described until sixty days prior to the time the Clarksdale, Covington & Collierville Interurban Company shall be ready and prepared to operate its line to Lake View, Miss.

To use other
company's
tracks—
when.

Also to operate said railway over any of the lines in the City of Memphis of the Memphis Street Railway Company; permission of that company having been first obtained.

CONDITIONS.

Conditions.

Second. The above permission is given, however, upon the following terms and conditions, which fully guard and protect the rights of the public:

Lines in
repair.

(a) That said company shall keep and maintain during the entire period of its operation of said lines of railway over said streets, its system of electricity in good order and repair, and give the public first-class service.

To maintain
streets and
bridges.

(b) That said company shall maintain in good condition and repair within its tracks and two feet on each outside thereof, all streets and roadways of all bridges occupied by it in said city with its tracks.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

(c) That on all streets occupied by said company, and which are now paved, said company will keep the same within its tracks and two feet on each outside thereof in good order and repair, and will at all times maintain the same in good condition.

(d) That on all unpaved streets occupied by said company, it is to pave between its tracks with either brick, macadam, stone, concrete, gravel or other suitable materials as may be designated by the Legislative Council.

Unpaved
streets.

(e) Should the city at any future time pave any of the streets so occupied by said company which are now unpaved, then the city is to pave up to the line within two feet of the outside rails of the company's tracks, and the said company is to contemporaneously pave in like manner, and with like material, and thereafter keep and maintain the same between said tracks and for two feet on each outside thereof in good condition.

Company
to pave.

(f) Should the city hereafter determine to grade or repave a street now or then already paved, said company undertakes and obligates itself, if said city shall so direct, to grade or repave said streets within its tracks, and for two feet on each outside thereof with the same pavement (including the foundation and all incidental work thereon) that may be adopted and laid by said city on the balance of said roadway—the intent of this clause being that said city may from time to time, and at all times, whether a street be then paved or not, prescribe the kind of pavement to be laid on any street, and that said street railroad company, if so directed, will, at its own expense, grade or lay such pavement between its rails and for two feet on each outside thereof, as may be adopted for and laid on the balance of such streets by said city, so that the pavement over the entire street shall at all times be the same. The paving and incidental work thereof here undertaken to be done by said com-

To grade and
repave streets.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

pany shall be concurrently and uniform with the paving of the balance of the street by said city.

Joint use of
Third street.

(g) The grant of the right to occupy Third street from Union avenue to Jackson avenue is made subject to the right of the Council to allow any other street car or interurban company to jointly use Third street with the company, upon either paying a reasonable rental to the company for the use of its tracks, poles and wires, or reimbursing the company for a reasonable proportion of the expense of construction, as the Legislative Council may direct.

Expense
prorated.

The cost of the maintenance of the tracks shall be prorated on the basis of the number of cars of each company using same.

Acting under this reservation of power, should the Legislative Council grant to the Memphis Street Railway Company the right to construct or operate its lines over Third street before the company shall have constructed its lines over Third street, the company may occupy and jointly own any of the tracks, poles and span wires of the Memphis Street Railway Company now on or hereafter located on Third street, by reimbursing the Memphis Street Railway Company one-half the actual cost of the construction of its tracks occupied by the company. But the company shall not be required to pay any proportion of any expense incurred in paving, or sum charged the Memphis Street Railway Company directly or indirectly for the permission or franchise of operating its lines on Third street; and the Memphis Street Railway Company shall be required to put down rails of standard interurban type, and at the standard distance apart for the safe operation of interurban cars on double tracks; and shall so locate its trolley wires as to permit the company to install separate trolleys conveniently on the poles and span wires of the Memphis Street Railway Company. The type of rail to be used shall be such as will accommodate urban and interurban cars and shall be approved by the Legislative Council.

Type of rail.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

(h) The grant of the right to occupy the streets, avenues and public and private places between Georgia and Walker avenues, a territory embracing the proposed Terminal Railway Station, and three blocks on either side thereof, is made subject to the right of the Council to allow any other street car or interurban company to jointly use such streets with the company, upon the same basis as is hereinabove provided as to Third street from Union avenue to Jackson avenue. And as to the remainder of the route herein granted, the city reserves the right to permit its use, upon the same terms, by any other bona fide interurban company.

Joint use of
tracks be-
tween Geor-
gia and
Walker
avenues.

(i) The company shall after five years from the building of any portion of its lines in the city, begin paying to the city 2 per cent. of its gross receipts from all fares collected on cars running wholly within the city, calculating each fare at 5 cents and 5 cents for each trip, on each car entering or departing from the city, engaged in suburban or interurban business. Settlement shall be made with the city semi-annually on January 1 and July 1; and the city shall prescribe the method of making collections and keeping accounts so as to insure correct settlements.

To pay city
two per cent.
of gross
receipts.

Said payments shall not be considered in the nature of a tax or going in abatement or reduction of any tax levied by the city.

(j) The Interurban Company shall never discriminate against the City of Memphis, its citizens or any citizen thereof in its freight and passenger rates or in any way whatsoever.

Not to dis-
criminate
in rates.

The said Interurban Company shall, when called upon to do so, switch without charge all cars loaded with freight of all classes to and from other railroads, industries, warehouses, persons, firms and corporations connected with or located on the tracks of that company within its switch limits of Memphis, which freight comes in or is destined to go out over the lines of that company.

Switch cars
without
charge.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY,

To charge
\$2.00 per car
switching.

That said Interurban Company shall receive, transport and switch all cars loaded with freight of all classes offered by other railroads or by industries, warehouses, persons, firms and corporations within its switch limits of Memphis upon the same basis of charges, upon equal and uniform service, and without discrimination, and shall charge no more therefor than \$2.00 per car, empty cars to be switched free.

That said Interurban Company shall deliver to warehouses and sheds and to other carriers within the drayage limits of Memphis all consignments of cotton which come into Memphis over the tracks of that company.

Other trans-
portation
company, etc.

That said Interurban Company shall never permit any other transportation company to enter the City of Memphis over its tracks, unless such company so entering shall have first made with the City of Memphis a valid and binding contract, not to discriminate against the city, its shippers, citizens or any citizen thereof in the carriage of freight and passengers, or in any other way whatsoever.

To open and
pave street.

To improve
Looney
avenue.

To bridge
Bayou Gayoso.

(k) In constructing from Breedlove street to Looney avenue the company is required to open up a street as wide as Looney avenue and pave the same from Pierce street to Breedlove street; to curb, gutter and gravel Looney avenue from Manassas to Breedlove, and to build a concrete bridge over Bayou Gayoso at Third street.

To improve
Third street.

(l) In constructing the line on South Third street from Iowa avenue to Gaston avenue, the company shall curb, gutter and gravel said street between said avenues.

To improve
Lauderdale
street.

In constructing the line on South Lauderdale street from Lucy to Trigg avenues, the company shall curb, gutter and gravel Lauderdale street from McLemore to Trigg avenues. The quality of material and contractor to do the work provided for in this paragraph to be designated by the city.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY,

CONSTRUCTION.

Third. In the construction of railroad, the said company shall put down a rail similar to that now used by standard interurban railroads, or such as may be approved by the Legislative Council, and said rails shall be of such description and shall at all times be so laid and maintained as will, as far as practicable, leave the streets as free of obstruction as before its use by the said company. Kind of rail.

The gauge of the tracks shall conform to the standard of interurban electric railways and shall be placed as near the center of the street as possible and at the standard distance apart. Gauge of tracks.

CITY MAY DO THE WORK AT THE COMPANY'S EXPENSE.

Fourth. Should said company fail to do the work on the streets herein contemplated and provided between their tracks, and for two feet on each outside thereof, and maintain the same as herein provided, the city, after giving said company twenty days' notice in writing of such failure, may have the same done under the direction and supervision of the Engineer of said city, at the sole expense of said company, and the actual sums paid out by said city through its Engineer shall be conclusive upon said company as to the amount due said city from said company for the work done, and there shall be a first lien upon all the properties of said company as security therefor. City may do work at the company's expense.

FARE.

The said company shall not charge any passenger exceeding five cents for a single fare from one point to another within the city limits for one continuous trip on the same car; provided, that no fare shall be charged for children under five years of age, when accompanied by parents or other persons in charge of them; and if after the passage of this ordinance it appears to the Legislative Council that Memphis is entitled to a cheaper Fare.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

fare, then by resolution or ordinance the said Council may at any time require said company to sell six tickets for 25 cents.

Whenever a cheaper fare shall become legally binding on the Memphis Street Railway Company, the Legislative Council reserves the right to require such cheaper fare to be put in force by the company within the city.

That persons under the age of eighteen years who attend any public school in said city shall be required to pay but half fare, provided, that said pupils shall purchase their tickets in quantities of at least twenty-five cents worth at a time; such tickets to be available only between the hours of 8 o'clock a. m. and 6 p.m. in actual passage to and from school; and that said grantee and his or its successors and assigns shall sell such tickets whenever requested so to do by a pupil who shall present a certificate from a teacher approved by the principal of such school, that he or she is a pupil of said school.

City officials
carried free.

And provided, further, that said grantee and his or its successors and assigns shall at all times carry all regular and special policemen, police officers, firemen, while on duty, the Mayor and members of the City Council, and of the Board of Public Works, Police and Fire Commissioners, Water Commissioners, Park Commissioners, members of the Board of Health, the members of the Board of Education, City Superintendent of Schools free over said road and over any other road or roads within said city which said grantee or his or its successors or assigns does now or may hereafter own, control or operate, subject at all times to such reasonable regulations as said grantee and his or its successors or assigns may prescribe.

Transfers.

Upon request of any passenger, the conductor of the car on which he pays his fare shall furnish a transfer which shall entitle the passenger to a ride on a car of this company to which he is transferred to any point on the latter line in the City of

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

Memphis. Provided, however, that such railway company may make and enforce such rules and regulations in regard to transfers as to require their use at the junctions and intersections of different lines on which said transfers are to be used and not elsewhere, and to limit the time within which they are to be used, so that they will be available only on the first connecting car, and as to any other matters necessary to protect said company from abuse by reason of such transfers. The company is required to exchange transfers in the city limits with the Memphis Street Railway Company or any other street or interurban railway company, provided that company shall agree or be hereafter required to accept transfers from the company.

Should the company be hereafter granted the right to construct other lines in the city, it is required to grant transfers to such other lines.

CARRYING FREIGHT.

Sixth. The company may carry freight in its cars, but not Freight, so as to interfere with its passenger service or the ordinary use of the streets by vehicles.

It shall not receive and discharge freight in the streets from its cars, but all freight must be handled from a depot or freight house. It shall not park its cars or leave them standing on any of the streets of the city.

It shall not haul more than two trailers to any motor.

No freight train or freight cars shall be operated on Third street between Jackson and Gayoso streets, nor shall cotton, cotton seed or cotton products be handled north of Calhoun avenue.

Cars for the transportation of express or freight as herein granted shall be built after the style and pattern of passenger coaches, and shall resemble same as much as possible, and present a neat and attractive appearance.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

POWER.

Power.

Seventh. Said railway and the cars to be used on said tracks may be operated by a system of electric power, either overhead, underground, primary or storage battery system, or by any new and approved method of motive power which has been or hereafter may be discovered, except steam or animal power, and to change from any of said systems, subject to all the conditions, obligations and provisions of this ordinance and the supervision and control of said Legislative Council.

If electric power shall be used by means of overhead wires, the said company is hereby authorized to erect and maintain a full electrical equipment, with all necessary poles, arms, feed, trolley and other wires necessary for a complete electrical overhead equipment, for the propelling of cars, under the supervision of the Legislative Council. And permission is hereby given to connect said wires and electrical conductors with any power house conveying the electrical or other power from and to the lines of said railway.

EXTENSION OF CITY LIMITS.

Eighth. All the terms and provisions of this ordinance shall apply and be in force within the limits of said city as they are or as they may be hereafter established, and shall inure to the benefit of the company as to any extensions of the routes herein named in any annexed territory.

WORK TO BEGIN WITHIN ONE YEAR.

Ninth. Should the company not begin the construction of the south route in the direction of Clarksdale within one year from the date of this ordinance the Legislative Council reserves the right to revoke this franchise.

However, should the Company be delayed in the work of construction or its occupancy of any part of any route, by injunction or other legal process, or by other unavoidable cause, the

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

period of such necessary delay is to be excepted out of this limit of time.

The company shall not have the right to begin constructing in the city limits north of Broadway until it shall have completed its line from Lake View to Memphis. It may then proceed to construct or occupy Third street as far north as Jackson avenue.

To construct
north of
Broadway
—when.

When it shall have constructed as much as fifteen miles in the general direction of Collierville, it may occupy the east and west route; and when it shall have constructed as much as fifteen miles on its Covington route it may occupy the remaining routes.

To construct
other routes
—when.

If the company shall not have completed and in operation as much as 100 miles of interurban tracks by May 1, 1911, the Legislative Council shall have the right to revoke this franchise as to all streets not then occupied by the company.

Right to
revoke fran-
chise—when.

ASSIGNABLE TO LAKE VIEW TRACTION COMPANY.

Tenth. The rights herein granted to the Clarksdale, Covington & Collierville Interurban Company may be assigned to the Lake View Traction Company, of Maine, but neither directly nor indirectly to any other person or corporation and particularly not to the Memphis Street Railway Company, except with the consent of the city.

ACCEPTANCE.

Eleventh. As a condition precedent to the enjoyment of any of the rights and privileges herein granted the said company, the said company shall, within twenty days from this date, file with the City Register a written stipulation consenting to this ordinance, and binding itself to comply with all the terms and conditions of same; said stipulation to be authorized by a duly constituted meeting of the stockholders of the company.

Passed final reading Friday, September 20, 1907.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

ACCEPTANCE OF ORDINANCE BY CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

Copy of the proceedings had and taken by the stockholders of the Clarksdale, Covington & Collierville Interurban Company at a meeting held on September 23, 1907.

Mr. Percy stated that the object of the meeting was to accept the franchise granted by the City of Memphis to the company in the manner provided by the ordinance passed on September 20, 1907.

Thereupon Mr. Percy offered the following resolution:

Whereas, this company heretofore made application to the Legislative Council of the City of Memphis for a franchise granting to this company the right to construct, maintain and operate electric railway lines in the City of Memphis upon the routes and streets therein named and embraced in the charter of the company; and,

Whereas, the Legislative Council of the City of Memphis, on September 20, 1907, passed on final reading the following ordinance;

(Here ordinance is set out in full.)

Whereas, this company is desirous to accept said ordinance as provided therein.

Now, therefore, be it resolved, That at this duly constituted meeting of the stockholders of the company, the company consents to the said ordinance and binds itself to comply with all the terms and conditions of the same, and directs its President and Secretary to file with the City Register a written stipulation completely binding this company to do and perform all the things required of it by Section 11 of said ordinance.

Resolved, further, That a certified copy of this resolution, signed by the President and Secretary, and certified under the seal of the company, be filed with the City Register.

CLARKSDALE, COVINGTON & COLLIERVILLE INTERURBAN COMPANY.

The adoption of said resolution was seconded by H. D. Minor and the same was unanimously adopted.

We, Robert F. Tate, President, and W. E. Willett, Secretary of the Clarksdale, Covington & Collierville Interurban Company, do certify that the foregoing is a true and correct copy of the proceedings had and taken at a duly constituted meeting of the stockholders of the said company, held in the City of Memphis, on the 23d day of September, 1907. That at said meeting all of the stockholders were present in person or by proxy, and said resolution was unanimously adopted.

In pursuance of authority vested in us, we hereby file this stipulation on behalf of the Clarksdale, Covington & Collierville Interurban Company, accepting said franchise and binding said company with all the terms and conditions of same.

This September 25, 1907.

(Signed) R. F. TATE, President.

[SEAL OF C., C. C. I. CO.]

W. E. WILLETT, Secretary.

For the purpose of confirming and assenting to the action of the stockholders taken at the meeting of September 23, 1907, the undersigned, being all the stockholders in the Clarksdale, Covington & Collierville Interurban Company, have hereunto signed their names.

(Signed) R. F. TATE.

W. A. PERCY.

M. J. ROACH.

H. E. CRAFT.

G. M. AGEE.

F. M. NORFLEET.

I. D. BLOCK.

D. S. WEAVER.

A. WALSH.

C. F. FARNSWORTH.

ED MANIGAN.

W. C. KNIGHT.

H. D. MINOR.

W. A. GAGE.

W. E. WILLETT.

R. B. NEBHUT.

WALTER GOODMAN.

J. S. ROBINSON.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

ARTICLE 84.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

Spur track
on Michigan
avenue.

Sec. 1312. *Be it ordained by the Legislative Council of the City of Memphis*, That there is hereby granted to the Nashville, Chattanooga and St. Louis Railway Company the right to lay down and operate on the west side of Michigan avenue, from their most westerly track on said avenue, to Carolina street, a spur track so as to supply shipping facilities to the business establishments that may now or hereafter be located on the west side of Michigan avenue.

Grant sub-
ject to con-
ditions of
prior contract.

Sec. 1313. The permission herein granted is subject to the conditions and stipulations of the contract between the City of Memphis and said railway company, of date November 10, 1902, set out in paragraphs 2, 3, 4 and 5, and accompanying forfeiture clause set out on page 2 of said contract.

Sec. 1314. The track to be constructed under the supervision of the City Engineer and to his satisfaction.

Sec. 1315. This grant is subject to the will and pleasure of the Legislative Council of the City of Memphis.¹

ORDINANCE NO. 2.

Subway at
Central ave-
nue and
Cooper avenue.

Sec. 1316. *Be it ordained by the Legislative Council of the City of Memphis*, That the Nashville, Chattanooga & St. Louis Railway be, and it is hereby, granted the right to lower the grade of Central avenue at the present center of the right of way of said Nashville, Chattanooga & St. Louis Railway, about five feet, and alter the grade about two hundred feet on each side of said center of the right of way, so as to make the approach gradual and to construct over Central avenue a steel bridge with concrete abutments at each street line and steel bents at the curb lines, eight feet from the face of the abutment, and so as to

¹ Ordinance No. 1 passed May 22, 1906.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

provide a clearance at Central avenue of fourteen feet, and to lower the grade of Central avenue for a distance of about one hundred and twenty-five feet west of Cooper avenue, in order to depress or lower the grade of Cooper avenue and the Memphis Street Railway Company's right of way, to secure proper clearance for a steel bridge to be constructed over Cooper avenue.

Sec. 1317. The Nashville, Chattanooga & St. Louis Railway Double tracks. shall have the right to maintain double main tracks over said bridges.

Sec. 1318. *Provided, however,* that the said company shall still Retain side track. have the right to retain its present sidetrack across Central avenue at the surface grade, but said surface crossing may be lowered to conform to the new grade of the avenue and moved out beyond the slope of the fill. The right to retain this crossing is subject to the will and pleasure of the Legislative Council or the City of Memphis.

Sec. 1319. The lowering of the grades and the construction Railroad's expense. of the bridges above referred to, and all work incident thereto, and the maintenance of the same, shall be done by the Nashville, Chattanooga & St. Louis Railway at its own expense and under the direction and supervision of the City Engineer.

Sec. 1320. The Nashville, Chattanooga & St. Louis Railway Company binds itself to hold the city harmless against all liabilities for damages to abutting property owners.

Sec. 1321. The Nashville, Chattanooga & St. Louis Railway To maintain gate on side track. Company shall construct and maintain across the present sidetrack a gate on the south side of Central avenue, and the said gate shall be kept closed and locked, except that it may be opened for the passage of cars to and from the Crescent Cotton Oil mills, and, when so open, a flagman shall warn vehicles and pedestrians of the approach of trains.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

Sec. 1322. The rights and privileges herein granted to said railway company are subject to the conditions and stipulations of a certain contract between the City of Memphis and said railway company, of date November 10, 1902, as set out in paragraphs 2, 3, 4 and 5 thereof, and subject to the forfeiture clause therein set out on page 2 of said contract. The Nashville, Chattanooga & St. Louis Railway Company shall accept the provisions and conditions of this ordinance in writing within ten days from the passage thereof, and file the same with the City Register, and, in the event that said railway company should fail to indicate its acceptance of this ordinance in writing within the ten days, the same shall be void and of no effect.¹

ORDINANCE NO. 3.—TO CLOSE ALLEY, ETC.

Preamble.

Whereas, the ground on both sides of the alley running east and west between Calhoun and Clay streets, in the City of Memphis, Tennessee, between the first north and south alley east of Main street and a point 230 feet east of said north and south alley, is owned by the Benedict, Warren & Davidson Company and the Nashville, Chattanooga & St. Louis Railway, as lessee under a long lease from the Louisville & Nashville Railroad Company; and,

Whereas, the said east and west alley is not open to Lea street, which is the first north and south street east of Main street; and,

Whereas, it cannot be opened to said street without great outlay by the city, especially on account of an arm of the bayou which extends lengthwise along a portion of said alley, and being about ten to fifteen feet lower than the surface of said alley, and also on account of a large brick culvert under Lea street at a point where the said alley, if extended, would intersect Lea street; and,

¹ Ordinance No. 2 passed July 5, 1905.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

Whereas, from the formation of said culvert it was likely the intention of the city that the said alley should never be opened to Lea street; and,

Whereas, the said Benedict, Warren & Davidson Company now own and operate a large warehouse immediately south of and adjacent to the said east and west alley, commencing at a point about 171 feet east of the said north and south alley; and,

Whereas, said company desires to construct a large warehouse on the north of said alley extending from said alley to Calhoun street, so as to be connected with their present warehouse, which is south of the alley, if the said new building can be furnished railroad tracks and facilities, etc.; and,

Whereas, the Nashville, Chattanooga & St. Louis Railway desires to be in position to construct and operate tracks on and over said east and west alley, so as to utilize the ground between said alley and Calhoun street, and also to reach the building to be erected by the said Benedict, Warren & Davidson Company with track or tracks on or across said alley; and,

Whereas, the said Benedict, Warren & Davidson Company and the said Nashville, Chattanooga & St. Louis Railway have, with the consent of the Louisville & Nashville Railroad Company, petitioned the City Council to close and abandon the said portion of the said east and west alley between said points above given and on both sides of which they own the ground; and,

Whereas, they offer to furnish ground for an alley twelve feet wide, extending from Calhoun street south to the said east and west alley in question, two hundred and twenty feet east from the said north and south alley, which is the first alley east of Main street; and,

Whereas, the said ground to be so furnished will make an alley furnishing the property owners along said east and west

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

alley with as good, if not better, alley ingress and egress than is now enjoyed, and which new alley can be kept up by the city at much less expense than the portion of the alley which it is desired to close; and,

Whereas, it seems manifestly to the interest of the city to abandon the said part of the said east and west alley and to exchange it with the said Benedict, Warren & Davidson Company and the Nashville, Chattanooga & St. Louis Railway for the ground for an alley from said east and west alley to Calhoun street;

Now, therefore, be it ordained as follows:

Alley closed. Sec. 1323. *Be it ordained by the Legislative Council of the City of Memphis*, it being for city purposes and manifestly to the interest of the city, That that portion of the alley running east and west between Calhoun and Clay streets, in the City of Memphis, Tennessee, which is between the east line of the first north and south alley east of Main street and a point 220 feet east of the said east line of the said north and south alley, be and the same is hereby abandoned for alley purposes and closed.

Exchange of strip of ground. Sec. 1324. The said closed and abandoned alley, it being that portion of the alley running east and west between Calhoun and Clay streets which is between the east line of the first north and south alley east of Main street and a point 220 feet east of the said east line of said north and south alley be, and the same is hereby sold to and exchanged with the said Benedict, Warren & Davidson Company, its successors and assigns, and the Nashville, Chattanooga & St. Louis Railway, for a strip of ground twelve feet wide, said strip to be used for alley purposes, and extending south from Calhoun street to the east and west alley first south of Calhoun street, the said strip being about 390 feet east of Main street. The portion of said abandoned

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and closed alley which is north of the ground of the Benedict, Warren & Davidson Company is to go to the Benedict, Warren & Davidson Company, its successors and assigns, and the remaining closed portion of said alley is to go to the Nashville, Chattanooga & St. Louis Railway, as lessee. And the city will make, execute and furnish to the Benedict, Warren & Davidson Company, its successors and assigns, and the Nashville, Chattanooga & St. Louis Railway, a deed to their respective portions of the alley closed and abandoned by this ordinance; in exchange for which and in consideration therefor, the Benedict, Warren & Davidson Company, and the Nashville, Chattanooga & St. Louis Railway, will make, execute and deliver to the city a deed to the strip of ground twelve feet wide, which strip is to be used for alley purposes and hereinabove referred to.

Sec. 1325. This ordinance shall be accepted in writing by the Benedict, Warren & Davidson Company and the Nashville, Chattanooga & St. Louis Railway within thirty (30) days after its passage and approval, and upon such acceptance this ordinance shall constitute a contract between the City of Memphis and the Benedict, Warren & Davidson Company and the Nashville, Chattanooga & St. Louis Railway.¹

ACCEPTANCE.

Memphis, Tenn., August 4th, 1906.

The undersigned, Nashville, Chattanooga & St. Louis Railway, hereby accepts the provisions and conditions of a certain ordinance entitled:

"An ordinance to close and abandon, for alley purposes, that portion of the east and west alley between Calhoun and Clay streets in Memphis, Tennessee, lying between the east line of the first north and south alley east of Main street and a point 220 feet east of the said east line of the said north and

¹ Ordinance No. 3 passed July 13, 1906.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

south alley, and to sell and exchange, the closed and abandoned portion of said alley with the Benedict, Warren and Davidson Company and the Nashville, Chattanooga & St. Louis Railway, for a strip of ground twelve feet wide, said strip to be used for alley purposes, and extending from Calhoun street south to the east and west alley at a point about 220 feet east of the said north and south alley," which was passed on its final reading by the Legislative Council of the City of Memphis, on July 13th, 1906.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

By G. T. FITZHUGH, Attorney.

ORDINANCE NO. 4.

To operate
tracks on
alley be-
tween Cal-
houn and
Clay streets.

Sec. 1326. *Be it ordained by the Legislative Council of the City of Memphis*, That the Nashville, Chattanooga & St. Louis Railway be and is hereby granted permission and right to construct, operate and maintain tracks on, over and across that portion of the east and west alley between Calhoun and Clay streets, in Memphis, Tennessee, lying between the east line of the first north and south alley east of Main street, and a point 170 feet east of the said east line of said north and south alley.

Sec. 1327. This ordinance shall be accepted in writing by the Nashville, Chattanooga and St. Louis Railway within thirty days after its passage and approval, and upon such acceptance this ordinance shall constitute a contract between the City of Memphis and the Nashville, Chattanooga & St. Louis Railway.¹

ACCEPTANCE.

Memphis, Tenn., August 4th, 1906.

The undersigned, Nashville, Chattanooga & St. Louis Railway, hereby accepts the provisions and conditions of a certain ordinance entitled:

¹ Ordinance No. 4 passed July 13, 1906.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

"An ordinance granting the Nashville, Chattanooga & St. Louis Railway permission to construct, operate and maintain tracks on and over that portion of the alley running east and west between Calhoun and Clay streets in the City of Memphis, Tennessee, lying between the east line of the first north and south alley east of Main street and a point 170 feet east of the said east line of said north and south alley," which was passed on its final reading by the Legislative Council of the City of Memphis, on July 13th, 1906.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY,

By G. T. FITZHUGH, Attorney.

ORDINANCE NO. 5.

Sec. 1328. *Be it ordained by the Legislative Council of the City of Memphis*, That the right is hereby granted to the Nashville, Chattanooga & St. Louis Railway to construct and operate an additional spur track leading from its present main and switch tracks on Michigan avenue at points north of Carolina street across Carolina street, said additional spur track being indicated in red on the blue print attached as Exhibit B to the petition of the Nashville, Chattanooga & St. Louis Railway and the Memphis Bag Company, filed Oct. 4, 1906, and made a part of this ordinance. Said Nashville, Chattanooga & St. Louis Railway is authorized and empowered to construct and operate said track as indicated on said blue print and may begin the construction thereof at once.

Michigan
avenue, etc.

Spur track to
Memphis Bag
Co.'s plant.

Sec. 1329. *Provided, however*, that said track shall be constructed under the supervision of the City Engineer and to his entire satisfaction.

Construction.

Sec. 1330. It is further provided that the present drain at Carolina street, where the tracks will be located, be improved to the extent of replacing the drain with brick sidewalks and

Drain on
Carolina
street.

BENEDICT, WARREN & DAVIDSON COMPANY.

bottom and iron cover similar to the one now in use for street purposes.

Crossing to
be concreted.

Sec. 1331. *Provided further*, that the entire crossing to Carolina street shall be concreted for a depth of twelve inches, the top of concrete to be the top of the railroad track and on this surface four inches of oak planking shall be used, thus making a solid plank crossing from a point two feet west of the west track to a point two feet east of the east track of said company.

Grant, sub-
ject to will
of Council.

Sec. 1332. *Provided further*, that this grant be made subject to the will and pleasure of the Legislative Council of the City of Memphis.¹

BENEDICT, WARREN & DAVIDSON CO.

ORDINANCE NO. 6.

Sec. 1333. *Be it ordained by the Legislative Council of the City of Memphis*, That the Benedict, Warren & Davidson Company, its successors and assigns, be and is hereby granted the permission and right to build, construct, maintain, operate and use a warehouse on and over that portion of the alley running east and west between Calhoun and Clay streets in the City of Memphis, Tennessee, from a point 170 feet east of the east line of the first north and south alley, east of Main street, to a point 50 feet east of said first above designated point.

Sec. 1334. This ordinance shall be accepted in writing by the Benedict, Warren & Davidson Company within thirty (30) days after its passage and approval, and upon such acceptance this ordinance shall constitute a contract between the City of Memphis and the Benedict, Warren & Davidson Company.²

NOTE.—Acceptance of the Benedict, Warren & Davidson Co. to ordinances passed July 13, 1906, were filed on Aug. 10, 1906. (See Minute Book A, Upper Board, page 264.)

¹ Ordinance No. 5 passed December 20, 1906.

² Ordinance No: 6 passed July 13, 1906.

N. C. & ST. L. RY.—LOUISVILLE & NASHVILLE RAILROAD CO.

Sec. 1334a. Sub-Section 1. *Be it ordained by the Legislative Council of the City of Memphis*, That the Nashville, Chattanooga & St. Louis Railway is hereby granted the right, during the will and pleasure of the Legislative Council, to lay a track across Main street, extending from a point connecting with its track on Broadway, fifteen (15) feet north of the Southern Railway track, and paralleling said track in a nineteen (19) degree curve, to the union station grounds. The center of said track to be fifteen (15) feet from the center of the Southern Railway track.

Sub-Sec. 2. *Be it further ordained*, That the said Nashville, Chattanooga & St. Louis Railway Company shall, within thirty (30) days from receipt of notice from the Legislative Council to remove said track, remove the same from across said Main street. The right herein granted is a mere permit, which may be revoked by the City of Memphis at any time. But it is further understood that the grant under this ordinance is in no manner whatever to affect the rights of the City of Memphis in and to its twelve and one-half (12½) foot strip on the north side of Broadway (now Railroad avenue) street, other than the right or permission to cross same as above set forth.

Sub-Sec. 3. *Be it further ordained*, That the Nashville, Chattanooga & St. Louis Railway Company shall construct and maintain in first-class condition crossings of the tracks of the Memphis Street Railway Company.¹

ARTICLE 85.

LOUISVILLE & NASHVILLE RAILROAD CO.

ORDINANCE NO. 1.

Sec. 1335. *Be it ordained by the Legislative Council of the City of Memphis*, That the Louisville & Nashville Railroad Company be, and the same is hereby granted the permission and

¹ Section 1334a and Sub-Sections 1, 2 and 3 passed May 11, 1909.

LOUISVILLE & NASHVILLE RAILROAD COMPANY.

right to construct and operate a spur, or switch track, in the City of Memphis over and along the following route:

Spur track
into Lawo
Coal Co.'s
yards.

Beginning at a point on a railroad track located on the northern part of Broadway street, the said railroad track being leased by the Nashville, Chattanooga & St. Louis Railway, and said beginning point being about 110 feet east of the east line of Wright's alley, if the same was extended south and diverting northwardly from said track and running thence in a northwesterly direction on and along Broadway to and on the land of the Lawo Coal Company, situated at the northwest intersection of Broadway street and Wright's alley; the said track to enter on said land of the Lawo Coal Company at or near its southeastern corner and extend thence in a northwesterly direction to the west line of the Lawo Coal Company's land.

Sec. 1336. The location and length of the spur, or switch track, shall be determined by and constructed under the supervision of the City Engineer and to his satisfaction.

Sec. 1337. The vacant right of way of twelve and one-half feet, which belongs to the city, running along the north line of Broadway street, shall be kept open and no part of the same shall be enclosed. But where said city right of way is crossed by said spur or switch track, it shall be covered with heavy oak plank and said crossings shall be maintained by the Louisville & Nashville Railroad Company so as to afford a safe passage for vehicles and passengers.

Sec. 1338. The right to lay and maintain this spur or switch track is subject to and during the will and pleasure of the Legislative Council.¹

¹ Ordinance No. 1 passed July 13, 1906.

LOUISVILLE & NASHVILLE RAILROAD COMPANY.

ORDINANCE NO. 2.

An ordinance granting to the Louisville & Nashville Railroad Company the permission and right to construct, use, maintain and operate a railroad track in the City of Memphis over and along the route set out below, and providing that upon acceptance this ordinance shall become a contract between the City of Memphis and the said Louisville & Nashville Railroad Company, said track and route being as follows, to-wit:

A track, the center of which would intersect the north line of Concord street, if extended, at a point about seven hundred and fifty-five (755) feet east of the east line of Third street; said track running thence in a southeasterly direction diagonally across Concord street, if extended, in such direction that the center of said track would intersect the south line of said Concord street, if extended, at a point about eight hundred and twelve (812) feet east of the east line of Third street. Said track thus described being part of a switch, or spur track, beginning at a point on the main line of said Louisville & Nashville railroad about three hundred and ninety-four (394) feet east of the east line of Third street and thence diverging from said main line in a southeasterly direction on a curve of about fifteen (15) degrees to a point about three hundred and forty-five (345) feet from the point of beginning; thence tangentially in a southeasterly direction crossing Concord street, if extended, at the point and in the manner above mentioned and extending about three hundred (300) feet into lot 3 of the Perrin & Wickersham subdivision of country lot No. 529. All of which more fully and definitely appears from blue prints attached to this ordinance and made a part hereof as Exhibit "A," upon which blue print the point of intersection of the center of said track with the north and south line, respectively, of Concord street, if extended, as shown by the letters "D" and "B."

LOUISVILLE & NASHVILLE RAILROAD COMPANY.

Along and across Concord street and into Perrin and Wickersham subdivision of lot 529.

Sec. 1339. *Be it ordained by the Legislative Council of the City of Memphis*, That the Louisville & Nashville Railroad Company be and is hereby granted the permission and right to construct, use, maintain and operate a railroad track in the City of Memphis, over and along the following route, to-wit: A track, the center of which would intersect the north line of Concord street, if extended, at a point about seven hundred and fifty-five (755) feet east of the east line of Third street; said track running thence in a southeasterly direction diagonally across Concord street, if extended, in such direction that the center of said track would intersect the south line of said Concord street, if extended, at a point about eight hundred and twelve (812) feet east of the east line of Third street. Said track thus described being a part of a switch or spur track beginning at a point on the main line of said Louisville & Nashville Railroad about three hundred and ninety-four (394) feet east of the east line of Third street, and thence diverging from said main line in a southeasterly direction on a curve of about fifteen (15) degrees to a point about three hundred and forty-five (345) feet from the point of beginning; thence tangentially in a southeasterly direction crossing Concord street, if extended, at the points and in the manner above mentioned, and extending about three hundred (300) feet into lot No. 3 of the Perrin & Wickersham sub-division of country lot No. 529. All of which more fully and definitely appears from blue prints attached to this ordinance and made a part thereof as exhibit "A," upon which blue print the points of intersection of the center of said track with the north and south lines, respectively, of Concord street, if extended, as shown by the letters "D" and "B"; *provided, however*, the right and privileges are hereby granted subject to the will and pleasure of the Legislative Council of the City of Memphis.

Limitation.

IRON MOUNTAIN RAILROAD.

Sec. 1340. This ordinance shall be accepted in writing by the Stipulation. Louisville & Nashville Railroad Company within ten days after its passage and approval and upon such acceptance, this ordinance shall constitute a contract between the City of Memphis and the said Louisville & Nashville Railroad Company. This grant shall be void if not accepted as just provided.

Sec. 1341. This railroad work be done under the supervision of the City Engineer.¹

STIPULATION.

L. & N. R. R. accepting ordinance passed Oct. 21, 1905:

Memphis, Tenn., Oct. 31, 1905.

To the Hon. Mayor and City Council of Memphis,

Memphis, Tennessee.

Gentlemen:

The ordinance passed Oct. 21, 1905, permitting the Louisville & Nashville Railroad Company to construct and operate a track on and over Concord street in the City of Memphis, is this day accepted by the Louisville & Nashville Railroad Company.

LOUISVILLE & NASHVILLE RAILROAD COMPANY.

By J. P. HOUSTON, Attorney.

F. N. FISHER, Superintendent.

ARTICLE 86.

IRON MOUNTAIN RAILROAD.

ORDINANCE NO. 1.

Sec. 1342. *Be it ordained by the Legislative Council of the City of Memphis*, That the Iron Mountain Railroad Company of Memphis be and is hereby permitted to lay an industrial track on the west side of Kentucky avenue, north of Gholson avenue and in front of and to be used by the Burgie Manufacturing Company and the Iron Mountain Railroad Company; said indus-

Industrial
track on
Kentucky
avenue.

¹ Ordinance No. 2 passed October 21, 1905.

UNION RAILWAY COMPANY.

trial track to begin at a point about 270 feet north of the north line of Gholson avenue and diverging from the track of the Iron Mountain Railroad Company of Memphis, as appears upon the blue print this day filed, and running thence southwardly on the west side of Kentucky avenue into lot 11, South Memphis, to a point on the north side of Gholson avenue.

Construction. Sec. 1343. The spur or switch track be constructed under the supervision of the City Engineer and to his satisfaction.

Maintenance. Sec. 1344. The crossing of this spur or switch track and Kentucky avenue be kept in good condition at all times by and at the expense of the said Iron Mountain Railroad or St. Louis and Iron Mountain Railroad.

Subject to
will of
Council. Sec. 1345. The granting of the right to lay this spur or switch track be subject to and during the will and pleasure of the Legislative Council.¹

ARTICLE 87.

UNION RAILWAY COMPANY (OR BELT LINE)—THIRD CONTRACT.

ORDINANCE NO. 3.*

Sec. 1346. *Be it ordained by the Legislative Council of the City of Memphis*, That the Union Railway Company, a corporation created and existing under the laws of the State of Tennessee, be and is hereby given the permission and granted the right to construct and operate a belt railroad in the City of Memphis over and along the routes hereinafter described, namely:

ROUTE NO. 1.

Route 1. Commencing at a point at or near McGhee's Station, in said City of Memphis, on the south side of the right of way of the Southern Railway Company at the eastern terminus of the right

¹ Ordinance No. 1 passed September 19, 1906.

* Contracts Nos. 1 and 2 are set out in full in Watkins' Digest, 1902; hence omitted in this volume.

UNION RAILWAY COMPANY.

of way granted by the Taxing District of Shelby County to said Union Railway Company by contracts dated January 7, 1890, and November 6, 1890, which contracts are set forth on pages 294 to 301, inclusive, and pages 302 to 310, inclusive, of the appendix to the City Digest of 1898; thence in an easterly direction, crossing the right of way of the Southern Railway Company and parallel with and south of the tracks of the Nashville, Chattanooga & St. Louis Railway Company, as at present located, between Raleigh and McLean avenues and within three hundred (300) feet of the tracks of the said Nashville, Chattanooga & St. Louis Railway Company; thence in the same general easterly direction, as above described, to the west line of Cooper avenue, the present eastern limit of the City of Memphis, the right being hereby granted to cross all intervening streets, alleys and highways on said Route No. 1.

ROUTE NO. 2.

Commencing at a point on the eastern limits of the City of Memphis, not less than six hundred (600) feet north of the north line of Summer avenue; thence westwardly and parallel with said Summer avenue and not less than six hundred (600) feet north of the north line of said Summer avenue to the tracks of the Louisville & Nashville Railroad Company, as now located and constructed; thence across the tracks of said Louisville & Nashville Railroad Company to the north side thereof; thence in a southwardly and westwardly direction and substantially parallel to the tracks of the said Louisville & Nashville Railroad Company to the west line of Main street, at the junction of the tracks of the Louisville & Nashville Railroad Company at the point where the same cross Main street; *provided, however*, that no portion of the tracks of said Union Railway Company shall occupy any part of Railroad street between High street and Jackson avenue; thence in a westwardly and southwestwardly direction over, along and upon the tracks of the said Louisville

UNION RAILWAY COMPANY.

& Nashville Railroad Company to a point on said tracks of the Louisville & Nashville Railroad Company near the intersection of Auction street extended and the tracks of said Louisville & Nashville Railroad Company, the right being hereby granted to cross all intervening streets, alleys and other public grounds on said Route No. 2.

It is expressly understood that said Union Railway Company shall not build any track in Auction street east of Second street, but said track shall be laid south of the Artesian Water Company's plant, and north of the Louisville & Nashville Railroad track.

ROUTE NO. 3.

Route 3. Commencing at a point on Route No. 2, at or near the intersection of Summer avenue and the tracks of the Louisville & Nashville Railroad Company; thence in a general northwesterly direction across all intervening streets, alleys and highways to a point on the south line of Vollentine avenue, being the present northern limit of the City of Memphis, about four hundred (400) feet east of the intersection of said Vollentine avenue and Lewis avenue.

ROUTE NO. 4.

Route 4. Commencing at a point on the north limits of the City of Memphis between Front and Main streets, if the same were extended to said north limits; thence southwardly to the intersection of Henry street and Front street; thence southwardly along said Front street and fifteen (15) feet east from the west line of said Front street to a point on the north line of Mill street in said Front street, the right being hereby granted to cross all intervening streets, alleys and highways on said Route No. 4.

The tracks of the Union Railway Company in Front street shall be paved between rails, and two feet on each side thereof,

UNION RAILWAY COMPANY.

when the city paves the balance of the street, and with like material as that used by the city.

The said Union Railway Company shall build a steel highway or wagon bridge at its crossing of Front street over the bayou, under the supervision of the City Engineer; said bridge shall extend from the east line of said street to the west side of the right of way of said railway, the bridge span not to exceed forty (40) feet.

ROUTE NO. 5.

Commencing at the intersection of Greenlaw street and Route No. 4, as hereinbefore described, and extending thence in a general southwesterly direction to a point on the tracks of the Louisville & Nashville Railroad Company and the track known as the Chesapeake, Ohio & Southwestern navy yard track, at or near the intersection of the tracks of the said Louisville & Nashville Railroad Company and the said Chesapeake, Ohio & Southwestern navy yard track with Auction street, if the same were extended west, and the right to there construct, maintain and operate connections with said Louisville & Nashville Railroad tracks and said Chesapeake, Ohio & Southwestern navy yard track, and the further right to acquire joint rights in said tracks of the Louisville & Nashville Railroad Company, as constructed, maintained and operated under a contract between the Taxing District of Shelby County, Tennessee, and said Louisville & Nashville Railroad Company, dated October 1, 1881, as set forth on pages 11 to 15, inclusive, of the Appendix to the City Digest of 1898; thence southwardly over, along and upon the said Chesapeake, Ohio & Southwestern navy yard track to a junction with the track known as the Mississippi & Tennessee track, constructed, maintained and operated under a contract between the Taxing District of Shelby County, Tennessee, and the Mississippi & Tennessee Railroad Company, dated the 21st

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day of June, 1880, as set forth on pages 23 to 32, inclusive, of the Appendix to the City Digest of 1898; between Winchester and Market streets, and the right to construct, maintain and operate a connection between said Chesapeake, Ohio & South-western navy yard track and the said Mississippi & Tennessee track, and the further right to construct, maintain and operate connections between the before-mentioned Louisville & Nashville Railroad tracks to the said Mississippi & Tennessee track north of Market street, as provided in the aforesaid contract between the Taxing District of Shelby County Tennessee, and the Mississippi & Tennessee Railroad Company, dated June 21, 1880; thence southwardly over, along and upon the said Mississippi & Tennessee railroad track, as constructed, maintained and operated under the contract aforesaid, to a point at or near Adams street, running over, along and upon the western track where there are now two tracks between Poplar street and a point near Adams street, where connection can be made with the tracks known as the Kansas City tracks, constructed, maintained and operated under contract between the Taxing District of Shelby County, Tennessee, and the Springfield & Memphis Railroad Company, dated the 5th day of December, 1881, and contract between the Taxing District of Shelby County, Tennessee, and the Kansas City, Springfield & Memphis Railroad Company, dated the 25th day of March, 1885, as set forth on pages 63 to 76, inclusive, of the Appendix to the City Digest of 1898, and pages 96 to 105, inclusive, of the Appendix to said City Digest of 1898, with the right to construct, maintain and operate connections at such point as above described between the said Mississippi & Tennessee Railroad track and the said Kansas City track or tracks, and the further right to acquire a joint and equal ownership, or joint use, of any or all of the tracks authorized to be constructed, maintained and operated under said contracts with the Springfield & Memphis Railroad Com-

UNION RAILWAY COMPANY.

pany and the Kansas City, Springfield & Memphis Railroad Company hereinbefore mentioned; thence southwardly along the river front and in and along Tennessee street, and over, along and upon the said Kansas City tracks, as above mentioned, to the junction of Huling and Tennessee streets with said Kansas City tracks; thence southwardly in and along Tennessee street to the north line of Calhoun street at its intersection with Tennessee street; thence southwardly crossing Calhoun street into the yards of the Iron Mountain Railroad Company, of Memphis, consent and permission of said Iron Mountain Railroad Company of Memphis having been first had and obtained; thence southwardly through said yards and property and crossing Georgia and Carolina streets to a junction with the line or lines of the said Union Railway Company on Broadway, as described in the contracts made between the Taxing District of Shelby County, Tennessee, and the Union Railway Company, dated January 7, 1890, and November 6, 1890, hereinbefore mentioned, and the right to make proper and suitable connections with said line or lines of said Union Railway Company on Broadway, as above described.

The track of the Union Railway Company on Tennessee street, south of Huling street, shall be located by the City Engineer in such way as to inconvenience to the least extent the property owners on each side of the street. And the Union Railway Company shall join the railroads and other owners of tracks in Tennessee street in paving said Tennessee street, in such way and at such time as the city shall require, and such paving shall be done in such manner as to permit vehicles to drive over said tracks and reach the property on each side of said street.

ROUTE NO. 6.

Commencing at a point on Route No. 1, as hereinbefore described, west of and near the intersection of said route with Lamar boulevard; thence in a southwesterly direction across

UNION RAILWAY COMPANY.

all intervening streets, alleys and highways and the rights of way of railroads to a point about one thousand (1,000) feet west of the intersection of Raleigh avenue and Trigg avenue.

Suits—pro-
vision for.

And in order to enforce the rights now given to said Union Railway Company to purchase into any or all of said railroad tracks, or to acquire the use of the same, permission is given to said Union Railway Company to use the name of the City of Memphis in any proceeding that may be necessary; *provided, however,* said Union Railway Company shall, before instituting such proceeding, give bond in the penalty of \$2,000, indemnifying the City of Memphis against all costs and damages that may be adjusted against it in such suits or proceedings.

Right to buy
into other
tracks.

Permission is likewise granted the Union Railway Company, so far as the city has the power to grant such permission, to purchase into any side track or tracks, spur or spurs, or to acquire the use of the same, pertaining to or connected with any common track or tracks, into which the right of purchase or the right to acquire use of the same has been given the Union Railway Company by this ordinance.

Sec. 1347. *Be it further ordained,* That all of the privileges and rights herein given and granted to said Union Railway Company are given and granted upon the following conditions which are severally and collectively declared to be conditions precedent to the use and enjoyment of any permission, privilege or right given or granted herein.

Duration of
ordinance 35
years.

Sub-Sec. 1. The term of all of the rights and privileges herein given and granted to the Union Railway Company to construct, maintain or operate any track or tracks in, along or lengthwise of the streets, highways and public levee and other public grounds of the City of Memphis is limited to thirty-five (35) years, commencing with the date of the final passage of this ordi-

UNION RAILWAY COMPANY.

nance, and at the end of the said period of thirty-five years all of said permission, privileges and rights to maintain or operate any tracks in, on or lengthwise of any street, highway or public levee and other public grounds of the City of Memphis shall cease and determine and be of no force or effect.

Sub-Sec. 2. No more than two (2) tracks shall be laid by said Union Railway Company across any public street, highway or alley, except by express permission granted by the Legislative Council of the City of Memphis.

No more
than 2 tracks
across street.

At all street, highway and alley crossings the tracks shall be laid flush with the surface of said street, highway or alley, and the said Union Railway Company shall, at its own expense, pave between the rails and three feet on each side thereof with such material as the City Engineer shall prescribe, and all street, alley and highway crossings shall be constructed and maintained in such manner as to render such crossings safe and convenient for vehicles and pedestrians.

Paving.

Should the city at any time change the grade of any street, highway or alley, said Union Railway Company shall promptly conform to such changed grade and maintain its tracks at all times flush with the grade of the streets, highways and alleys crossed, unless the city shall require the tracks to be raised above or lowered under the street, highway or alley grades, as hereinafter provided.

Conformity
to grade.

Sub-Sec. 3. Said Union Railway Company shall, at its own expense, put up and maintain electric arc lights and railroad gates, and it shall maintain flagmen at all such street crossings traversed by its tracks at grade as may be designated by the City Council from time to time, and upon such designation such lights, gates and flagmen shall be promptly established and maintained. Such lights and gates shall be of approved and standard design.

Lights, gates
and flagmen.

UNION RAILWAY COMPANY.

Switching
charges.

Sub-Sec. 4. Said Union Railway Company shall switch all empty cars free of charge, when forwarded for the purpose of being loaded or after having been unloaded at a point reached by the lines or spur tracks of said Union Railway Company, and for switching loaded cars it shall not make a greater charge than two (\$2.00) dollars per car on any car switched from one point in the City of Memphis to another point in the City of Memphis, and it shall not charge more than two and 50-100 (\$2.50) dollars per car on loaded cars switched from a point inside of the City of Memphis to a point on its lines outside of said city, or from a point outside of said city to a point within said city; *provided, however*, that these charges are not more than those now or hereafter made by other roads for similar service.

Same.

Sub-Sec. 5. Said Union Railway Company shall make no charge for switching cars over its lines which come into the City of Memphis, or go out of the same, over any other railroad which may operate, own or control said Union Railway Company, directly or indirectly.

Same.

Sub-Sec. 6. Said Union Railway Company, its successors and assigns, shall receive, transport and switch all cars and freight offered by the railroad companies entering Memphis, and by industries and by all persons, firms or corporations upon the same basis of charges, upon equal and uniform service, and without unequally discriminating against the City of Memphis, or its citizens, in its rates for the transportation of the same.

Connection
with fac-
tories.

Sub-Sec. 7. Said Union Railway Company shall, at any point of its line, connect factories and industries located within one-half ($\frac{1}{2}$) mile of such line upon such factory or industry furnishing the right of way and paying one-half the expense of grading, ties, rails and all other expenses incident to the construction of such connecting tracks.

UNION RAILWAY COMPANY.

Sub-Sec. 8. Said Union Railway Company shall never permit any other railroad company to enter the City of Memphis over its tracks unless the railroad so entering the city over the tracks of the Union Railway Company shall have first entered into a valid and binding contract with the City of Memphis not to unequally discriminate against the shippers and citizens of the City of Memphis in the carriage of freight or passengers.

Discrimination provided against.

Sub-Sec. 9. Any other railroad company shall have the right to cross the tracks of the Union Railway Company in order to reach other railroads, industries or shippers located on either side thereof by paying the cost of such crossing and the expenses incident thereto and to the maintenance of said crossing, and conversely said Union Railway Company, in order to reach other railroads, industries or shippers located on either side thereof, shall have the right to cross the tracks of any other railroad by paying the cost of such crossing and the expenses incident thereto and to the maintenance of said crossing.

Crossing tracks by other railroads.

Sub-Sec. 10. The Union Railway Company shall join with the other railroad companies owning or operating tracks upon the river front between Huling street and Poplar street in the elevation of said tracks, and said Union Railway Company shall contribute its pro rata cost of elevation of its tracks on the river front between points before mentioned, and shall effect such elevation at the same time and along with the other railroad companies owning and operating tracks upon said river front, as aforesaid, but nothing herein shall be construed as an exclusion of the right and power of the City of Memphis to compel the Union Railway Company to raise its tracks over, or lower them under, the grade of any or all of the streets, alleys or highways crossed by the tracks of said Union Railway Company.

Elevation of tracks.

Sub-Sec. 11. The Union Railway Company shall handle, switch and haul free of charge all cars of gravel, rock or other sup-

City supplies free.

UNION RAILWAY COMPANY.

plies and freight of the City of Memphis, or intended for the use of the city.

Previous
rights.

Sec. 1348. *Be it further ordained*, That nothing in this ordinance shall be construed as a repeal, amendment or modification of any right, permission or privilege heretofore granted by the City of Memphis to said Union Railway Company, except in so far as this ordinance may be in conflict therewith. But it is expressly ordained that all and every right, privilege or permission heretofore given to or claimed by the Union Railway Company to locate or build any line or track within the City of Memphis, excepting two tracks on Broadway from Kansas avenue to McGhee's Station, and excepting the routes described in Section 1 of this ordinance, are hereby repealed, and declared to be of no force or effect, and the said Union Railway Company shall forthwith file with the City Secretary a formal stipulation fully and finally waiving and releasing all such privileges, rights and claims.

Limitation
on comple-
tion.

And it is likewise ordained and declared that nothing herein contained shall be construed as releasing or relieving the Union Railway Company from the duty of fully carrying out and complying with all the conditions and burdens attached to and contained in the contracts between the Taxing District of Shelby County and said Union Railway Company, of dates January 7, 1890, and November 6, 1890, respectively, which contracts are fully set forth in the City Digest of 1898, on pages 294 to 310, inclusive; *provided, however*, that the time allowed said Union Railway Company to complete and put into operation its two main tracks upon Broadway under said contracts of date January 7, 1890, and November 6, 1890, shall be and the same is hereby extended for a period of three years from the date of the passage and approval of this ordinance; and *provided, further*, that if one of said tracks shall be completed and put in operation within

UNION RAILWAY COMPANY.

said period of three years and the other of said tracks shall have been partially completed, then none of the rights of said Union Railway Company under this ordinance, or under said contracts, or either of them, shall be forfeited by reason of its failure to complete and put into operation both of said main tracks, but such forfeiture shall extend only to the right to use such portion of Broadway as has not been occupied by the track remaining to be completed.

Sec. 1349. *Be it further ordained*, That the Union Railway Company shall, within three (3) years next ensuing, construct, complete and put into operation all of the roads and lines of track described in Section 1 of this ordinance; *provided, however*, that said Union Railway Company shall be under no obligations to construct Route No. 2, it being the purpose to give said Union Railway Company the option to build said route or not, as it may desire; and *provided, further*, that if the said Union Railway Company shall be enjoined or prevented by bona fide litigation in any court of competent jurisdiction from constructing its said lines of road, then the period which may intervene during such litigation shall not be included within the three years named for constructing, completing and putting into operation its said roads and lines before mentioned.

Notwithstanding the three years' time given said Union Railway in which to construct and put its road into operation around the city, said Union Railway Company shall forthwith, or at any time when required by the city, join the other railroads on the river front in elevating the tracks, as required by the city.

Sec. 1350. *Be it further ordained*, That in order to permit the Louisville & Nashville Railroad Company to continue the use during the period hereinafter named of the tracks which it was permitted to construct under the contract between the Taxing District of Shelby County and the said Louisville & Nashville

Louisville &
Nashville R.
R.—provision
relating to.

UNION RAILWAY COMPANY.

Railroad Company, of date October 1, 1881, the said contract is renewed and extended during the period of thirty-five years, commencing with this date, and the privileges and rights granted to the Louisville & Nashville Railroad Company in said contract of October 1, 1881, are hereby granted to said Louisville & Nashville Railroad Company for said term of thirty-five years at the rental of five hundred (\$500) dollars per year from now until October 1, 1906, and at seven hundred and fifty (\$750) dollars per year from that date until the expiration of this lease, thirty-one years after October 1, 1906, and upon the same terms, conditions and restrictions set forth in said contract of October 1, 1881; *provided, however*, that said Louisville & Nashville Railroad Company shall not, without permission of the city, construct or operate any tracks or occupy any ground except the tracks which the Louisville & Nashville Railroad Company has the right to construct, and the grounds which it has the right to occupy as such tracks and grounds are described in said contract of October 1, 1881. *Provided*, that the above rights and privileges are granted the Louisville & Nashville Railroad upon the condition that the Louisville & Nashville Railroad Company, its successors or assigns, shall switch all cars and freight offered by other railroads entering Memphis and by industries, all persons, firms and corporations upon the same basis of charges upon equal and uniform service and without discrimination against the City of Memphis, or its citizens, in its rates for the transportation of the same. And *further*, that said Louisville & Nashville Railroad Company, its successors or assigns, shall not make a greater charge than two (\$2) dollars per car on any car switched within the switch limits of Memphis, empty cars to be switched free; *provided*, that this shall not apply to switching done for roads when such roads make a greater charge against the Louisville & Nashville Railroad Company for similar service, until such company or companies are limited by ordinance in a

UNION RAILWAY COMPANY.

similar manner. *Provided, further,* that within thirty days after the final passage hereof the said Louisville & Nashville Railroad Company shall file with the city a stipulation in writing, properly authorized and executed, obligating said railroad company to comply with all the duties and obligations herein imposed upon it.

Sec. 1351. *Be it further ordained,* That the City of Memphis does not grant any interest in the soil over which the tracks of the Union Railway Company may be laid or operated, but only the privileges herein specifically enumerated, and only upon the conditions and with the limitations prescribed in this ordinance; and it is expressly ordained and declared that the Union Railway Company acquires and accepts just such and only such rights to the herein granted permission and privileges as the city has the authority and power to grant, and none other or otherwise; and the city shall not be held liable or responsible in any way for any sum whatever on account of or in consequence of a deficit or defect of power or authority to make these grants, or any of them, but the Union Railway Company assumes all risk of the want of power in the government to make the same. And the Union Railway Company and not the City of Memphis shall be liable for any damages that may result to third parties on account of the construction, maintenance and operation of the railroad tracks herein permitted to be constructed or operated.

No interest
granted
in soil.

And the City of Memphis hereby reserves and retains all of its police and taxing powers over the roads, tracks and property of said Union Railway Company, and to the operation thereof, and the rights and privileges herein granted shall be subject to all of the lawful ordinances of the City of Memphis now in force or that may be hereafter enacted, and the obligations imposed by this ordinance shall be binding upon and its benefits

Police power
retained.

UNION RAILWAY COMPANY.

shall inure to the successors and assigns of said Union Railway Company.

The Union Railway Company shall never by lease, sale, consolidation, combination or declaration permit the franchise herein granted to be used with the purpose or effect of increasing the switching charges at Memphis.

Forfeiture
clause.

Sec. 1352. *Be it further ordained*, That the original and continued performance of each and every stipulation in this ordinance on the part of the said Union Railway Company are conditions to the permission, privileges and grants herein contained, and that the failure of the said Union Railway Company to perform the same, or any part of the same, or its failure to perform the same within the time stipulated or to exercise said permission, rights and privileges within the time herein stipulated, shall, at the option of the City of Memphis, work an entire forfeiture and cessation of all the rights, permissions and privileges herein granted to said Union Railway Company, and the city may, in the event aforesaid, at once retake and resume possession and control of the routes, premises, privileges and rights as if this ordinance had never been enacted. *Provided, however*, that such forfeiture shall not be enforced unless said Union Railway Company shall, for thirty days after notice, neglect to perform such obligations or to exercise such privileges.

Stockhold-
ers' resolu-
tion required.

Sec. 1353. *Be it further ordained*, That within thirty (30) days after the final passage of this ordinance said Union Railway Company shall file with the City Secretary a stipulation, duly authorized by resolutions of its stockholders and directors, obligating said railway company to fulfill and perform all of the duties and obligations herein imposed upon it.

Passed final reading June 5, 1902.

UNION RAILWAY COMPANY.

ORDINANCE NO. 4.

Sec. 1354. *Be it ordained by the Legislative Council of the* Front street.
City of Memphis, That the Union Railway Company, a corporation chartered and existing under the laws of the State of Tennessee, be and the same is hereby given the permission and granted the right to construct and operate a track extending along Front street parallel to and twelve feet east of the west line of said street, from the north line of Mill street to the street or alley lying between the jail and the plant of the Chickasaw Cooperage Company, upon the following conditions:

1. The track shall be laid according to the grades of the City Specifications Engineer.
2. The track shall be laid with its center about twelve feet east of the west property line.
3. That the track shall be curbed off from the rest of the street where directed by the Engineer, and paved, guttered and graveled from the bayou south to the L. & N. railroad crossing, according to the specifications of the City Engineer.

Sec. 1355. The granting of the right to lay this track is subject Limitation.
to and during the will and pleasure of the Legislative Council.¹

ORDINANCE NO. 5.

Sec. 1355a. *Be it ordained by the Legislative Council of the*
City of Memphis, That the Union Railway company is hereby granted the right during the will and pleasure of the Legislative Council to lay a track from the west side near the southeast corner of lot seventy-six (76) of the Freeman & Brinkley subdivision, running thence diagonally across Front street to the north line of Henry avenue; running thence across said Henry

¹ Sections 1354 and 1355 passed August 8, 1907.

UNION RAILWAY COMPANY.

avenue to the center of the alley lying between Main street and Front street; thence along the center of said alley to the Cubbins property.²

Sec. 1355b. *Be it further ordained* that the Union Railway Company shall, within thirty (30) days after the receipt of notice from the City of Memphis to remove its track, remove the same. The right granted by this ordinance is a mere permission, to be revoked at pleasure by the Legislative Council.²

RESOLUTION.

Whereas, the Union Railway Company has adopted an additional route outside of the city limits, which subserves the purpose intended in Route No. 3, as described in an ordinance passed on the 5th day of June, 1902.

Union Ry.
not required
to build
Route No. 3.

Now, therefore, be it resolved, That the Union Railway Company shall not be required to build said Route No. 3, which said route is described as follows:

"Commencing at a point on Route No. 2, at or near the intersection of Summer avenue and the tracks of the Louisville & Nashville Railroad Company; thence in a general northwesterly direction across all intervening streets, alleys and highways to a point on the south line of Vollentine avenue, being the present northern limit of the City of Memphis, about four hundred (400) feet east of the intersection of said Vollentine avenue and Lewis avenue."¹

UNION RAILWAY COMPANY.

Petition of the Union Railway Company, the Crescent Cotton Oil Company, et al., for permission to construct "A spur or switch track beginning with the south side of Central avenue, or lot 19 of E. E. Meacham's Cooper and Central avenue subdivision,

² Section 1355a and Section 1355b passed June 16, 1909.

¹ Resolution adopted March 9, 1905.

LEE BROS. ELEVATOR—K. C. F. S. & M. R. R., ET AL.

and running thence south with lot 19, and also along and on a street or road known as Crescent Place, and across a street or road known as York avenue; thence on a 24-degree curve across lots 37, 38, 39, 40 and 41 of said Meacham's Cooper and Central avenue subdivision to a connection with the main line of the Union Railway Company at or near where the same is crossed by a road or street designated as Tanglewood avenue."

Granted, subject to the contract of the Union Railway Company with the city and during the will and pleasure of the Legislative Council.

See Minute Book F, page 390. Adopted Nov. 10, 1904.

LEE BROS. ELEVATOR.

Petition of James Lee for permission to build and operate a side track from the railroads on the river front alongside of and into the elevator erected on the city's property, under lease of Dec. 10, 1904, (Minute Book F, page 393), granted subject to the following conditions:

First. That the track granted to the petitioner be a free track and railroads may buy into and become joint users upon payment of a proper portion of cost and maintenance provided authority is given therefor either by ordinance or contract with the city.

Second. That no toll or extra charge shall be made for the use of said tracks to be granted either by petitioner, his successors, or any joint owners. Said construction to be done under supervision of the City Engineer.

See Minute Book F, page 406, Jan. 5, 1905.

ARTICLE 88.

ORDINANCE NO. 1.

KANSAS CITY, FORT SCOTT & MEMPHIS RAILROAD AND ST. LOUIS
& SAN FRANCISCO RAILWAY.

Sec. 1356. *Be it ordained by the Legislative Council of the City of Memphis*, That the Kansas City, Fort Scott & Memphis

Industrial
track into
Brown, Hin-
man &
Huntington
Co. property.
Division
street.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILROAD.

Railway Company and the St. Louis & San Francisco Railroad Company, lessee, be permitted to construct a single line spur track railroad leading from the property known as the Lansing Wheelbarrow property, across Division street and Arkansas avenue, into the property of the Brown, Hinman & Huntington Company, lying between Gaines street and Division street, as shown upon the blue print filed with the petition of said two railroad companies before this Council.

Limitation
and con-
ditions.

This license is revokable at the will and pleasure of the Council, and is granted upon condition that at all times the space between the rails of said track and three feet on each outside thereof shall be kept in good condition and repair by the said railroad companies, and with the same kind and quality of material with which the remainder of said streets over which they run are or may be improved or repaired, and in case of failure so to do upon ten days' notice from the City Engineer the same may be done by the city at said companies' expense.

This license shall inure to the benefits of the railroad companies above named, their successors and assigns.¹

ORDINANCE NO. 2.

Tenn. Gran-
ite Brick Co.

Sec. 1357. *Be it ordained by the Legislative Council of the City of Memphis*, That the Kansas City, Fort Scott & Memphis Railway Company and the St. Louis & San Francisco Railroad Company, lessee, be permitted, in order to properly serve the Tennessee Granite Brick Co., a manufacturing establishment located adjacent to its tracks, and to provide facilities for the transaction of its business, to lay four (4) tracks across Walker avenue as shown upon the blue print marked "Exhibit A" in red attached to the said companies' petition filed before this Council.

Track across
Walker
street.

¹ Ordinance No. 1 passed August 28, 1905.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY.

Sec. 1358. This license is granted revokable at the will and Limitations. pleasure of the Council, and subject to all the conditions, limitations and restrictions embodied in the contract of said Railroad Companies with the City of Memphis, and that the culvert across Walker avenue ravine be built by said railroad companies as shall be directed by the City Engineer.¹

ORDINANCE NO. 3.

Sec. 1359. *Be it ordained by the Legislative Council of the City of Memphis,* That the Kansas City, Fort Scott & Memphis Railway Company, extending north and south along Kansas avenue, be permitted to construct a spur track beginning at a point of connection with the present track of said Railroad Company on Kansas avenue about 175 feet north of the intersection of the center line of said present track with the north line of Gaines street; and running thence in a southerly, southeasterly and easterly direction on a curve to the left, along the said Kansas avenue, and across Gaines street, into the private property of the said Southern Biscuit Works, with the right to operate engines, trains and cars thereon, as shown upon the blue print in yellow filed with the petition of said Railroad Company before the Council. Southern Biscuit Works.

Kansas avenue to Gaines street.

Sec. 1360. The said track shall be laid flush with the surface Paving. of said streets, and that the said Railroad Company shall, at its own expense, pave between its rails and three feet on each side thereof with such material as the City Engineer shall prescribe, and in case said Gaines street and Kansas avenue shall at any time hereafter be paved, the street crossing shall be paved or maintained in such manner as to render such crossing safe for vehicles and pedestrians, and should the city at any time change the grade of either Kansas avenue or Gaines street, the said Railroad Company shall promptly conform to said change of grade

¹ Ordinance No. 2 passed August 30, 1905.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

and maintain its said spur track at all times flush with the grade of said streets.

Limitations. Sec. 1361. This license is revokable at the will and pleasure of the Council and the rights and privileges herein granted shall inure to the benefits of itself and its successors and assigns; but in case of failure of the said Company to comply upon ten days' notice from the City Engineer with any of the conditions herein provided, all improvements or repairs or change of grade may be done by the city at the Company's expense, upon said notice.¹

ORDINANCE NO. 4.

Chester
street.

Sec. 1362. *Be it ordained by the Legislative Council of the City of Memphis*, That the Kansas City, Fort Scott & Memphis Railway Company, and the St. Louis & San Francisco Railroad Company, lessee, be permitted to extend a track from a point opposite the Tennessee Brewing Co., to a connection with the track now lying in Chester street, in the City of Memphis, in front of the works of Goyer & Co., and to construct a new track about 47 feet in length, and to move a track now in Chester street slightly to the west, the length of the portion to be moved being ninety feet, the portion to be constructed new being shown in yellow and the portion of the track to be slightly moved being shown in red, upon the blue print marked "Exhibit A," attached to the said railroads' petition and made a part of same and filed before this Council.

Limitations. Sec. 1363. This license is granted revokable at the will and pleasure of the Council, and subject to all the conditions, limitations and restrictions embodied in the contract of said Railroad Companies with the City of Memphis.²

¹ Ordinance No. 3 passed August 30, 1905.

² Ordinance No. 4 passed August 30, 1905.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

ORDINANCE NO. 5.

Sec. 1364. *Be it ordained by the Legislative Council of the City of Memphis,* That the right is hereby granted to the Kansas City, Fort Scott & Memphis Railway Company, and the St. Louis & San Francisco Railroad Company, to construct, maintain and operate for railroad purposes, with any motive power, a railroad track commencing at some point between Kansas avenue and Louisiana avenue, in what is known as the incline track, originally constructed by the Springfield & Memphis Railroad Company, running thence in a southwesterly direction to and across the property owned by the Gulf Compress Company, immediately north of Trigg avenue, to or near the west bank of the Mississippi River, with the right to cross Louisiana avenue, Arkansas avenue at or near its intersection with West McLemore avenue with one track, Oklahoma avenue with one track, Utah avenue with one track and Riverside avenue with one track north of Utah avenue, and one track south of Utah avenue, and to lay west of Riverside avenue upon private property such tracks and switches as may be necessary to serve the compress about to be erected by the Gulf Compress Company, upon land which has been acquired by it for that purpose, and also to cross all intervening alleys. They are also granted the right to place a switch leading from the main line toward the west, which shall be located at a point north of Utah avenue and between Riverside boulevard and Delaware avenue, for the purpose of enabling tracks to be laid on both sides of the projected compress.

Industrial
track to the
Gulf Com-
press Co.,
north of
Trigg avenue.

Sec. 1365. This grant shall be subject to all the restrictions and conditions set out in contracts now existing between the City of Memphis and said railroads and printed in Watkins' Digest of Laws, Ordinances and Contracts of the City of Memphis (1902 Ed.), pages 765 to 782, inclusive, and also the following additional conditions, restrictions and stipulations:

Subject to
prior con-
tracts.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

To switch
cars free
—when

Sec. 1366. Said railways, their successors or assigns, shall, when called upon to do so, switch without charge all cars loaded with grain, flour, lumber, pig iron, cotton seed, cotton and all other classes of freight, to and from other railroads, industries, warehouses, persons, firms and corporations connected with or located on the tracks of these companies within the switch limits of Memphis, which freight comes in or is destined to go out over the lines of said railroads.

Switching
charge.

Sec. 1367. Said railroads, their successors or assigns, shall jointly or separately receive, transport and switch all cars loaded with grain, flour, lumber, pig iron, cotton seed, cotton and other classes of freight offered by other railroads, or by industries, warehouses, persons, firms and corporations, within the switch limits of Memphis, upon the same basis of charges, upon equal and uniform services and without discrimination, and shall charge no more therefor than \$2 per car; empty cars to be switched free.

To deliver
all consign-
ments of
cotton to
warehouses,
etc.

Sec. 1368. Said railways, their successors or assigns, shall, when requested to do so by shippers or consignees, deliver to and receive at their present depots and platforms, and to and from other compresses and warehouses located on tracks of these roads and those of connecting lines within the switch limits of Memphis, and deliver to warehouses and sheds within the drayage limits of Memphis, all consignments of cotton which come in or are destined to go out over the tracks of these railways, and shall make no greater or less freight rates or switching charges on the same than is charged on shipments of like character to and from the compresses and warehouses to be served by the tracks herein referred to; *provided, however*, that these companies may not be required to deliver to or receive from connecting railways, compresses and warehouses, cotton in cars, when less than sixteen bales are available for such movement.

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Sec. 1369. Said railways, their successors or assigns, shall never permit any other railroad company to enter the City of Memphis over their tracks unless the railroad company so entering shall have first made with the City of Memphis a valid and binding contract not to discriminate against the city, its shippers and citizens in the carriage of freight and passengers.

Other rail-
roads to
use tracks
—when

Sec. 1370. These conditions shall apply to any and all railroads which may be permitted by the said St. Louis & San Francisco Railroad, or the Kansas City, Fort Scott & Memphis Railroad, by contract or otherwise, to use the tracks referred to, or which may in any way enjoy the benefits conferred by this ordinance.

Conditions
apply to
all rail-
roads, etc.

Sec. 1371. Said railways shall accept this ordinance in writing, executed by the properly authorized officer or agent of said companies, and under the corporate seals thereof, within thirty days after its passage and approval, and upon such acceptance this ordinance shall constitute a contract between the City of Memphis and the St. Louis & San Francisco Railroad and the Kansas City, Fort Scott & Memphis Railroad.

Stipulation.

Sec. 1372. As a part of the consideration for the granting of this franchise the said St. Louis & San Francisco and the Kansas City, Fort Scott & Memphis Railroads shall, within ninety days from the passage of this ordinance, have Arkansas street between Georgia avenue and Wisconsin avenue (formerly Division street) paved with gravel, the work to be done under the direction of the City Engineer, and according to such requirements as may be prescribed by him.

To pave Ar-
kansas street.

Sec. 1373. This grant is made subject to the will and pleasure of the Legislative Council of the City of Memphis, and is revokable by said Council at its pleasure.¹

¹ Ordinance No. 5 passed August 8, 1908.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

ORDINANCE NO. 6.

FORT PICKERING RAILWAY COMPANY AND KANSAS CITY, FORT SCOTT & MEMPHIS RAILWAY.

This contract, made this the 12th day of July, 1901, by and between the City of Memphis, party of the first part, the Fort Pickering Railway Company, party of the second part, and the Kansas City, Fort Scott & Memphis Railroad Company, party of the third part, WITNESSETH:

Track along
Kansas
avenue.

That the first party hereby gives and grants to the third party, that is the Kansas City, Fort Scott & Memphis Railroad Company, the permission and right to extend its track along Kansas avenue in said City of Memphis, commencing at a point seventy-five (75) feet north of the north line of McLemore avenue; thence south along the west side of Kansas avenue and parallel with what is known as the stockyard spur a distance of about six hundred (600) feet, and thence curving in a southeasterly direction across Kansas avenue so as to make a junction with the railway of the Fort Pickering Railway Company at its western terminus on the east line of Kansas avenue. And the first party hereby gives and grants to the second party, the Fort Pickering Railway Company, the further right and permission to lay a single track commencing at a connection to be made with the track of the Yazoo & Mississippi Valley Railroad Company a short distance south of Simpson avenue, curving thence in a northwesterly direction across the south line of Simpson avenue and into said avenue, and thence in a western direction along Simpson avenue and across Main street extended, from which point the second party contemplates building its track in a westerly direction across Florida avenue into the property of the Wabash Screen Door Company west of said Florida avenue, and permission is hereby given to said second party to build and maintain said track across Florida avenue.

Simpson
avenue.
Main street.

Florida
avenue.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

The permission and privileges herein granted by the first party are given and granted upon the following conditions, which conditions shall be conditions precedent:

First. The second party in laying its tracks along Simpson avenue, shall not use all of said avenue, but only such part thereof as is necessary for the operation of said single track hereinbefore permitted to be laid, and the second party shall always keep said avenue open for the accommodation and passage of vehicles and persons desiring to use said avenue, and said track shall be laid on the south side of said Simpson avenue.

To lay only single track on Simpson avenue.

Second. The second party shall allow any other railroad, corporation or individual, desiring to do so, to connect its or their tracks with the track laid by the second party in said Simpson avenue, and the second party agrees to handle or switch cars over said track in Simpson avenue at and for the usual switching charges at the time of such service, but in no event shall the charge for switching cars exceed the sum of two (\$2.00) dollars per car.

To be free track.

Third. Should any corporation, or person, build or establish any industry along the line of, or within reach of any part of the track of the second party, either by direct location on its lines, or accessible thereto by any other railroad connection therewith, then said second party agrees to handle cars over its line to and from the tracks of the Kansas City, Fort Scott & Memphis Railroad Company, or any other railroad, and receive the same over or deliver to such industry cars at the usual switching charges prevailing at the time of such service, but in no event is the switching charge to exceed the sum of \$2.00 per car.

To handle freight to other industries along the line.

Fourth. The second party agrees and binds itself to conform to street grades whenever called upon to do so by the Mayor or City Engineer, and to keep its tracks laid in or across any of

Streets to be kept flush with surface of street.

KANSAS CITY, FT. SCOTT & MEMPHIS RAILWAY ET AL.

Paving. the streets heretofore mentioned flush with the surface of said streets and in first-class condition, so as not to obstruct or inconvenience free passage thereover, and the second party agrees to pave between its tracks with such material as the city shall use in paving the adjoining street.

Maintain electric lights. Fifth. The second party shall erect and maintain electric lights at the following points, to-wit: On South Main street, at the point where its line crosses said street, and on Florida avenue at a point where its line crosses said avenue; and on Kansas avenue at the western terminus of its line.

Grant during will and pleasure of Council. Sixth. It is expressly understood and agreed that all of the privileges, permissions and rights herein given by the city, or intended so to be, are given and granted to the Fort Pickering Railway Company and the Kansas City, Fort Scott & Memphis Railroad Company, solely during the will and pleasure of the Legislative Council of said City of Memphis.

City held harmless from damages. Seventh. The Fort Pickering Railroad Company and the Kansas City, Fort Scott & Memphis Railroad Company hereby obligate themselves to defend all suits or claims that may be brought against the City of Memphis on account of the construction, maintenance or operation of the railroad tracks which are herein permitted to be laid and operated, and they agree to hold the city harmless against all such suits and claims.

No warranty of title. Eighth. It is expressly understood and agreed that the City of Memphis does not warrant its right or power to make any of the foregoing grants, but the second and third parties take only such rights and privileges as the city has the lawful power to give.

Police power reserved. * Ninth. Nothing herein contained shall be construed as a waiver upon the part of the city with respect to the exercise of its police power over any of the tracks or property of the second

ILL. CENT. AND Y. & M. V. R. R.'S

or third parties hereto, nor as a waiver or abridgement of any of the taxing powers of the city.

Witness the hands and seals of the respective parties hereto, this the day and year above written.

J. J. WILLIAMS,

HU L. BRINKLEY,

Fire and Police Commissioners.

G. D. RAINE,

E. J. CARRINGTON,

P. J. MORAN, .

E. C. GREEN,

H. H. LITTY,

THOS. CLARK,

Board of Public Works.

FORT PICKERING RY. CO. (Seal.)

By E. M. KEMP, President.

E. B. LEMASTER, Secretary the Fort Pickering
Ry. Co. (Seal.)

KANSAS CITY, FT. SCOTT & MEMPHIS R. R. CO.

By B. L. WINCHELL, President. (Seal.)

ARTICLE 89.

ILLINOIS CENTRAL RAILROAD AND THE YAZOO & MISSISSIPPI

VALLEY RAILROAD.

ORDINANCE NO. 1.

Sec. 1374. *Be it ordained by the Legislative Council of the City of Memphis*, That the Illinois Central Railroad Company be, and is hereby, granted the permission and right to construct and operate railroad tracks in the City of Memphis over and along the following route:

A track diverging (at or near the intersection of the center line of Pontotoc street with the eastern margin of Tennessee street) from the existing sidetrack now laid along the eastern

Tracks into
Linden
Station.

YAZOO & MISSISSIPPI VALLEY RAILROAD.

margin of Tennessee street; thence running in a northeasterly direction along and across Pontotoc and Tennessee streets into the private property of the Linden Station Company, with the right to shift eastwardly about four (4) feet, more or less, said existing sidetrack at and near said point of divergence, provided the said track shall be located, constructed and operated so as not to materially interfere with the operation of the said existing sidetrack by any company which may now have the right to operate said existing sidetrack; also two tracks across Linden street between Tennessee street and Clinton street, so as to connect with the proposed tracks of the Linden Station; all of which is more definitely shown by the lines in red on blue print attached to this ordinance, and made a part hereof as "Exhibit A," provided the rights and privileges hereby granted are granted subject to the will and pleasure of the Legislative Council.

Stipulation. Sec. 1375. This ordinance shall be accepted in writing by the Illinois Central Railroad Company within ten (10) days after its passage and approval, and upon such acceptance this ordinance shall constitute a contract between the City of Memphis and the Illinois Central Railroad Company. This grant shall be void if not accepted as just provided.¹

ORDINANCE NO. 2.

Calhoun street. Sec. 1376. *Be it ordained by the Legislative Council of the City of Memphis, That the Yazoo & Mississippi Valley Railroad Company, its successors and assigns, be, and are hereby, granted the right to construct and operate a railroad track across Calhoun street, said point of crossing being about one hundred and eighty-four feet west of the west margin of Shelby street. But this grant is made subject to the following conditions:*

First. That the track be so located that the east rail shall not be nearer than seven feet to the building of Mr. P. Pidgeon,

¹ Ordinance No. 1 passed September 27, 1905.

YAZOO & MISSISSIPPI VALLEY RAILROAD.

and that any interference with the natural drainage caused by the construction of said track shall be so taken care of by the Yazoo & Mississippi Valley Railroad Company as not to injure the premises of Mr. P. Pidgeon.

Second. That the Yazoo & Mississippi Valley Railroad Company shall, at its own expense, construct and maintain the said track, including the crossings of the tracks of the Memphis Street Railway, and that the said track crossings shall be constructed under the supervision of the City Engineer, and in a manner approved by him. Maintenance of track.

Third. That the Yazoo & Mississippi Valley Railroad Company shall, at all times, maintain the said crossing, and the paving therein, in first-class condition. Paving.

Fourth. That the Yazoo & Mississippi Valley Railroad Company shall construct and maintain across the said track a gate on the south side of Calhoun street, and the said gate shall be kept closed and locked, except that it may be opened for the passage of cars across the north side of Calhoun street, and, when so opened, a flagman shall be placed in the center of said street to warn vehicles and street cars of the approach of the train. Gate flagman.

Fifth. That said track shall only be used for the continuous passage of cars and engines without stopping from one side of Calhoun street to the other, and that said street shall not be blocked by the stopping of cars and engines on the street. Track—how used.

Sixth. This grant is made subject to the will and pleasure of the Legislative Council of the City of Memphis.¹ Limitation.

¹ Ordinance No. 2 passed April 17, 1906.

TENNESSEE COTTON OIL CO.—ILL. CENT. R. R.

ORDINANCE NO. 3.

TENNESSEE COTTON OIL COMPANY.

Track across
Adams street. Sec. 1377. *Be it ordained by the Legislative Council of the City of Memphis*, That the Tennessee Cotton Oil Company, a corporation chartered under the laws of the State of Tennessee, be, and is hereby, granted permission and given the right to construct and operate a sidetrack for commercial, steam engine and cars across Adams street at the intersection with Promenade street, the said sidetrack to be constructed just west of the Frisco Railroad, on Adams street.

Conditions. Sec. 1378. The above permission is granted subject to the following conditions:

First. The track is to be laid in accordance with the grades fixed by the Engineer, and in such manner as not to interfere with the passage of vehicles along Adams street and crossing said track.

Limitations. Second. Said Tennessee Cotton Oil Company is granted the permission to maintain said track subject to the will and pleasure of the Legislative Council of the City of Memphis, and shall remove the same within twenty days after written notice given to do so.¹

ORDINANCE NO. 4.

Clinton
street, from
Gayoso to
Union. Sec. 1379. *Be it ordained by the Legislative Council of the City of Memphis*, That the Illinois Central Railroad Company is hereby granted the right to construct and operate a sidetrack, beginning at a point in the present Illinois Central Railroad sidetrack on the east margin of Clinton street, and about thirty-five (35) feet south of the south margin of Gayoso street extended, and extending north along the east margin of Clinton street about

¹ Ordinance No. 3 passed July 16, 1908.

C. ST. L. & N. O. R. R. ET AL.

two hundred and sixty (260) feet to an eight (8) foot alley lying between Gayoso street and Union street.

Said sidetrack is herein shown in red on the blue print hereto attached, marked "Exhibit A," and made a part hereof.

Sec. 1380. The right to lay and maintain said sidetrack is at Limitation. the will and pleasure of the Legislative Council, and the same shall be constructed under the supervision of the City Engineer and to his satisfaction.¹

ARTICLE 90.

CHICAGO, ST. LOUIS & NEW ORLEANS RAILROAD COMPANY, ET AL.

ORDINANCE NO. 1.

Sec. 1381. *Be it ordained by the Legislative Council of the City of Memphis,* That the Chicago, St. Louis & New Orleans Railroad Company, the Yazoo & Mississippi Valley Railroad Company, and the Louisville & Nashville Railroad Company, their successors and assigns, be, and they are hereby, granted the right to construct and operate a sidetrack or switch upon the north margin of Trezevant street and across Clinton street, as follows: Beginning at a point two feet south of the north line of Trezevant street at the northwest intersection of Trezevant street and Shelby street, in the City of Memphis, extending thence in a westerly direction parallel with the north line of Trezevant street and upon the north side of said Trezevant street to Clinton street, extending thence across said Clinton street, tending to the north so as to enter the southeast corner of the property situated at the northwest corner of Trezevant and Clinton streets. Trezevant street.

Said sidetrack or switch is more definitely shown by red lines appearing upon the blue print attached hereto, marked "Exhibit A," and made a part hereof.

¹ Ordinance No. 4 passed July 24, 1908.

C. ST. L. & N. O. R. R. ET. AL.

Conditions. Sec. 1382. The rights and privileges provided for in Section 1 of this ordinance are granted upon the following conditions, to-wit:

First. That the sidetracks or switch provided for in Section 1 shall be and become part of the track constructed under a contract dated June 21, 1880, between the Taxing District of Shelby County and the Mississippi & Tennessee Railroad Company, and shall become subject to all the terms of said contract, except that the right to lay said track and to maintain the same, as herein provided, is granted subject to the will and pleasure of the Legislative Council of the City of Memphis.

Limitation. Second. That the said railroad companies, their successors and assigns will, upon sixty (60) days' written notice from the Legislative Council of the City of Memphis, remove said tracks or switch.

Third. That the City Engineer shall have full control of and supervision over the work, paving and laying of tracks, and that the same shall be done to his entire satisfaction.

Stipulation. Fourth. That no part of this ordinance shall become effective until it has been duly accepted in writing by said railroad companies, through their duly authorized agents, which written acceptance shall be filed with the City Register within thirty (30) days from the date of its final passage.¹

ORDINANCE NO. 2.

Carolina
street.

Sec. 1383. The Chicago, St. Louis & New Orleans Railroad Company, its successors and assigns, are hereby authorized to construct and operate two railroad tracks across Carolina street, between Main street and Texas avenue, said tracks being located east of the present tracks crossing Carolina street and west of the warehouse recently constructed by the Chicago, St Louis & New

¹ Ordinance No. 1 passed September 17, 1908.

MEMPHIS TERMINAL COMPANY.

Orleans Railroad Company, which warehouse abuts on the west side of Main street, and extends from Georgia street to Carolina street.

Sec. 1384. The rights and privileges herein granted are granted Limitations.
subject to the following conditions and restrictions:

First. That the tracks are to be laid under the supervision of the City Engineer.

Second. That this grant is made subject to the conditions, limitations and restrictions of the contract of said railroad company with the City of Memphis.

Third. That this grant is made subject to the will and pleasure of the Legislative Council of the City of Memphis.¹

ARTICLE 91.

MEMPHIS RAILROAD TERMINAL COMPANY.

ORDINANCE NO. 1.

AN ORDINANCE to be entitled "An ordinance granting certain rights, privileges and franchises in the City of Memphis, Tennessee, to the Memphis Railroad Terminal Company, for the purpose of constructing, operating and maintaining within the corporate limits of said city passenger stations and terminals."

Sec. 1385. Subsection 1. *Be it ordained by the Legislative* Franchise.
Council of the City of Memphis, Tennessee, That the Memphis Union pas-
Railroad Terminal Company, a corporation organized and char- senger station
tered under the laws of the State of Tennessee (hereinafter in and terminals.
this ordinance called Terminal Company), be, and is hereby,
authorized and empowered to construct, operate and maintain
within the corporate limits of the City of Memphis, Tennessee,
passenger stations, comprising passenger depots, office buildings,

¹ Ordinance No. 2 passed February 13, 1906.

MEMPHIS TERMINAL COMPANY.

sheds, storage yards, roundhouses and machine shops; also such main and sidetracks, switches, crossovers, turnouts and other terminal railroad facilities, appurtenances and accommodations, suitable in size, location and manner of construction to perform promptly and efficiently the work of receiving, delivering, transferring and moving all passengers and passenger traffic of the railroad companies with which it may enter into contracts, for the use of its said terminal facilities.

Subsec. 2. *Be it further ordained*, That, insofar as the construction, operation and maintenance of the said passenger station, depots, office buildings, sheds, storage yards, warehouses, machine shops, roundhouses, main and sidetracks, switches, crossovers, turnouts and other terminal railroad facilities, appurtenances and accommodations may affect the streets, avenues, alleys and public grounds, ways and places in the City of Memphis, that the said rights, privileges and franchises are subject to the requirements, limitations, conditions and restrictions as may hereinafter in this ordinance be provided for and imposed upon said Terminal Company.

Subsec. 3. *Be it further ordained*, That the Memphis Railroad Terminal Company is hereby granted the following rights, privileges and franchises relative to the hereinafter public streets, avenues, alleys, highways and public grounds, ways and places in the City of Memphis, Tenn., to-wit:

Indiana
street.

1. Indiana Street—Grade Crossing. The Terminal Company is given and granted the right, privilege and permission to cross Indiana street with two railroad tracks at grade, between Virginia avenue on the north and Iowa avenue on the south, and south of the existing railroad tracks now crossing Indiana street between Virginia avenue and Iowa avenue. The grade of the base of the rails of the Terminal Company's tracks to be approximately one hundred and seventy-six and one-half ($176\frac{1}{2}$) feet,

MEMPHIS TERMINAL COMPANY.

city datum; and the grade of said street to be changed to make the approaches to said grade crossing of easy access to the traveling public.

2. Arkansas Street—Grade Crossing. The Terminal Company is given and granted the right, privilege and permission to cross Arkansas street, at grade, with two railroad tracks, between Virginia avenue on the north and Iowa avenue on the south, and south of the existing railroad tracks, crossing Arkansas street between Virginia avenue and Iowa avenue.

Arkansas street.

The Terminal Company is given and granted the right and permission to change the present grade of Arkansas street, so as to elevate the same at the place where the railroad tracks of the Terminal Company shall cross Arkansas street, so that the base of the rails of said track shall be approximately at an elevation of one hundred and seventy-five and twenty-five one hundredths (175.25) feet, city datum, and to change the grade of said street from the north line of Iowa avenue, so as to make the approaches to said grade crossings of easy access to the traveling public.

Change grade.

Provided, however, that, whenever the City of Memphis shall require the Kansas City & Memphis Railway & Bridge Company to provide for a separation of the grade of its tracks and Arkansas street, that the Terminal Company shall be required, and hereby agrees and obligates itself to provide for a separation of the grade at said street.

Separation of grade.

3. Louisiana Street—Closed. The Terminal Company is hereby given and granted the right, privilege and permission to cross Louisiana street with two or more railroad tracks between Virginia avenue and Iowa avenue, and south of the existing railroad tracks now crossing Louisiana street between Virginia avenue and Iowa avenue.

Louisiana street.

MEMPHIS TERMINAL COMPANY.

Alleys closed. Louisiana street south of the southern line of the right of way of the Kansas City & Memphis Railway & Bridge Company to the north line of Iowa avenue, and all the existing public and private alleys between Arkansas street on the west, and Louisiana street on the east, and south of the southern boundary of the right of way of the Kansas City & Memphis Railway & Bridge Company to the north line of Iowa avenue, are hereby vacated and closed, and the Terminal Company is granted permission to cross the same with two or more railroad tracks.

Separate
grade of
tracks.

Provided, however, that whenever the City of Memphis shall require the Kansas City & Memphis Railway & Bridge Company to separate the grade of its tracks across Louisiana street, the Terminal Company shall be required to reopen Louisiana street as hereinbefore ordered closed, and to provide a separation of grade of Louisiana street and the tracks of the Terminal Company.

To pave
and curb.

The Terminal Company is granted the permission to change the grade of Louisiana street as it at present exists, not exceeding two (2) feet, and when said street is reopened, as herein provided, the Terminal Company shall pave and curb said street from the north line of Iowa avenue to the south line of the right of way of the Kansas City & Memphis Railway & Bridge Company.

Pennsyl-
vania avenue.

4. Pennsylvania—Overhead Crossing. The Terminal Company is authorized, and is granted the right, privilege and permission to cross Pennsylvania avenue with two or more railroad tracks by overhead crossing between the south boundary of the right of way of the Kansas City & Memphis Railway & Bridge Company and the north line of Iowa avenue.

Clearance.

The Terminal Company is required to construct and maintain over Pennsylvania avenue a structure of steel or reinforced con-

MEMPHIS TERMINAL COMPANY.

crete, so as to provide a clearance of fourteen feet and six inches ($14\frac{1}{2}$); the abutment of said structure to be placed on the property line, and the columns or supports upon the curb line.

The Terminal Company is granted the right, privilege and permission to change the present grade of Pennsylvania avenue between the north line of Iowa avenue and the south boundary line of the Kansas City & Memphis Railway & Bridge Company, the same not to exceed one and one-half ($1\frac{1}{2}$) feet, and the maximum grade of Pennsylvania avenue is not to exceed four (4) per cent., and is required to replace said street, curbing and sidewalk in as good condition as the same are at the present time.

Change of
grade.

The existing public and private alleys, ways and places between Louisiana avenue and Pennsylvania avenue, and south of the southern boundary line of the right of way of the Kansas City & Memphis Railway & Bridge Company, and north of the north line of Iowa avenue, are hereby vacated and closed, and the Terminal Company is granted and given permission and authority to occupy and cross the same with two or more railroad tracks.

Alleys
closed.

5. Kansas Avenue—Overhead Crossing. The Terminal Company is given and granted the right, privilege and permission to cross Kansas avenue by overhead crossing with two or more railroad tracks, at a point south of the right of way of the Kansas City & Memphis Railway & Bridge Company, and north of the north line of Iowa avenue.

Kansas
avenue.

The Terminal Company is required to construct and maintain for its said overhead crossings a structure of steel or reinforced concrete; the abutments may be placed on the property line, and the columns or supports upon the curb line, so as to provide a minimum clearance between the top of the rail of the

Clearance.

MEMPHIS TERMINAL COMPANY.

railroad tracks on Kansas avenue, an overhead structure of twenty-one (21) feet.

Alleys
closed.

The Terminal Company is also granted permission to occupy and cross with two or more tracks all existing public or private alleys, public ways and places between Pennsylvania avenue and Kansas avenue, and south of the south line of the right of way of the Kansas City & Memphis Railway & Bridge Company, and north of the north line of Iowa avenue, and the same are hereby vacated and closed between the points above mentioned.

Change grade. The Terminal Company may make such changes in the present grade of Kansas avenue, not to exceed one foot, as may be necessary between the north line of Iowa avenue and Virginia avenue; provided the maximum grade of Kansas avenue, as changed, shall not be more than 2 per cent.

The Terminal Company is required to restore Kansas avenue in as good condition as it is at the present time, as to the sidewalks, curbing and paving.

Kentucky.
avenue.

6. Kentucky Avenue—Overhead Crossing. The Terminal Company is authorized to cross, and the right, privilege and permission is hereby granted to it, to cross Kentucky avenue by overhead crossing, with two or more railroad tracks between the north line of Iowa avenue and one hundred and fifty (150) feet north of the north line of Iowa avenue.

Clearance.

In order to provide for its said overhead crossing, the Terminal Company is required to construct and maintain a structure of steel or reinforced concrete so as to provide a minimum clearance between the top of the rail of the existing railroad tracks in Kentucky avenue and the bottom of said overhead structure of twenty-one (21) feet. The abutments of said structure may be placed upon the property line and the columns or supports upon the curb line.

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The Terminal Company is authorized to make such changes Grade. in the present grade of Kentucky avenue, between the north line of Iowa avenue and Virginia avenue, not to exceed one foot, as may be deemed necessary; *provided*, the maximum grade of Kentucky avenue, as changed, shall not at any place exceed 2 per cent., and is required to restore said avenue in as good condition as it at present exists, both as to curbing, sidewalks and paving.

Permission is also granted to the said Terminal Company to Alleys closed. occupy and cross with two or more railroad tracks all intervening public and private alleys between Kansas avenue on the west and Kentucky avenue on the east, between the north line of Iowa avenue and a line parallel thereto lying one hundred and fifty (150) feet north thereof, and between said points the said alleys are hereby vacated and ordered to be closed.

7. Florida Avenue—Overhead Crossing. The Terminal Com- Florida avenue. pany is authorized to cross, and is granted the right, privilege and permission to cross, Florida avenue by overhead crossing with two or more tracks, between the north line of Iowa avenue on the south and a point one hundred and fifty (150) feet north of the north line of Iowa avenue.

The Terminal Company is required to construct and maintain Clearance. for its overhead crossing a structure of steel or reinforced concrete, so as to provide a minimum clearance of eighteen (18) feet, the said surface of Florida avenue not to be disturbed, and may place the abutments of the same upon the property line, and columns or supports upon the curb line.

Permission is also granted to it to occupy and cross with two Alleys closed. or more tracks, all intervening public and private alleys between Kentucky avenue and Florida avenue, and the same are hereby vacated and ordered to be closed, between the north line

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of Iowa avenue on the south, and a line parallel thereto and one hundred and fifty (150) feet north thereof.

Texas avenue. 8. Texas Avenue, or Street—Overhead Crossing. The Terminal Company is hereby authorized and is granted the right, privilege and permission to cross Texas avenue by overhead crossing with two or more railroad tracks north of the north line of Iowa avenue, and south of a point in Texas avenue, one hundred and fifty (150) feet north of the north line of Iowa avenue.

Clearance. The Terminal Company is required to construct and maintain for its said overhead crossing a steel or reinforced concrete viaduct so as to provide a minimum clearance of twenty-one (21) feet, provided that, in the event the City of Memphis shall require the Illinois Central Railroad Company to elevate its tracks, that the Terminal Company shall be required to make said clearance twenty-three and three-quarters ($23\frac{3}{4}$) feet, the abutments of which may be placed upon the property line, with such columns and structures in the street as will not interfere with the use of said street (where not occupied by railroad tracks), by the traveling public.

Alleys closed. It is also granted the right to occupy and cross with two or more tracks the existing public and private alleys between Florida avenue on the west and Texas avenue on the east, between the north line of Iowa avenue and a line drawn parallel thereto and one hundred and fifty (150) feet north thereof, and same are hereby vacated and closed.

Main street. 9. Main Street—Overhead Crossing. The Terminal Company is given and granted the right, privilege and permission to cross Main street by overhead crossing with two or more railroad tracks, between the north line of Iowa avenue on the south and a point in Main street two hundred (200) feet north of the north line of Iowa avenue.

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The Terminal Company is required to construct and maintain Clearance.
for its overhead crossing a steel or reinforced concrete viaduct,
so as to provide a minimum clearance of twenty-one (21) feet,
and abutments may be placed upon the property line, with col-
umns or supports upon the curb lines.

The Terminal Company is required to widen Main street To widen
through the property of said company to a uniform width of street.
sixty (60) feet; columns supporting the superstructure may be
placed upon the curb line.

10. Michigan Avenue—Closed. The Terminal Company is Michigan
granted the privilege and permission to cross Michigan avenue.
with four or more railroad tracks between the north line of Iowa
avenue on the south and the south line of Virginia avenue on
the north; and Michigan avenue, between Virginia avenue and
Iowa avenue, is hereby vacated and ordered closed.

11. Iowa Avenue—Overhead Crossing. The Terminal Com- Iowa avenue.
pany is given and granted the right, privilege and permission
to cross Iowa avenue with two or more tracks by overhead cross-
ing, between the west line of Main street extended across Iowa
avenue and the east line of Michigan avenue extended south
across Iowa avenue.

In order to provide for its overhead crossing, the Terminal Clearance.
Company is required to construct and maintain a structure of
steel or reinforced concrete, so as to provide a minimum clear-
ance of fourteen and one-half ($14\frac{1}{2}$) feet; the abutments of which
may be placed upon the property line, and the columns or sup-
ports upon the curb line, and the grade line of Iowa avenue may
be lowered at said point of crossing not to exceed three and
one-half ($3\frac{1}{2}$) feet, if found necessary.

12. Rayburn Avenue—Overhead Crossing. The Terminal Com- Rayburn
pany is granted the right, privilege and permission to cross Ray- avenue.
burn avenue between the south line of Virginia avenue on the

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north and the north line of the alley between Iowa avenue and Virginia avenue on the south, with five or more railroad tracks.

Clearance. In order to provide for the overhead crossing, the Terminal Company is required to construct and maintain two structures of steel or reinforced concrete, so as to provide a minimum clearance of fourteen and one-half ($14\frac{1}{2}$) feet, the abutments of which structures may be placed upon the property lines, and the columns or supports upon the curb lines.

Grade. The Terminal Company is given and granted the right, privilege and permission to change the present grade of Rayburn avenue so as to make the maximum descending grade from the south to the lowest point not exceeding five (5) per cent., and the ascending grade from the lowest point north not exceeding four (4) per cent. The Terminal Company is required to restore the paving on Rayburn avenue, and also the sidewalks and curbs, and is to place the same in as good condition as they are at present. Grade of Virginia avenue is to be changed to make connection with changed grade of Rayburn avenue.

Alleys closed. It is also given and granted the privilege and permission to occupy and cross all public and private alleys with six or more tracks between Main street on the west, Rayburn avenue on the east, Virginia avenue on the north, and Iowa avenue on the south, and all such alleys embraced within said boundaries are hereby vacated and ordered to be closed.

South Third street. 13. South Third Street (formerly Poston Avenue) and South Fourth Street (formerly Davie Avenue)—South Third Street with Overhead Crossing; South Fourth Street Closed. The Terminal Company is granted the right, privilege and permission to cross South Third street (formerly Poston avenue) and South Fourth street (formerly Davie avenue), with such main tracks, sidetracks, switches, drill tracks, turnouts, crossovers and other

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tracks as may be necessary between the north line of Iowa avenue on the south and a line parallel to the north line of Iowa avenue and distant from and north thereof four hundred and seventy (470) feet, and between said line as the north boundary line and the north boundary line of Iowa avenue as the south boundary line, the Terminal Company is granted permission to close South Fourth street, and the same, when so closed, is hereby declared vacated by the city, and the Terminal Company may occupy same.

South Fourth
street closed.

The Terminal Company is required to cross South Third street (formerly Poston avenue) with an overhead structure of steel or reinforced concrete, which they shall construct and maintain, with abutments that may be on the property line and columns or supports on the curb line, so as to give a minimum clearance between the street and structure of fourteen (14) feet and six (6) inches, and is permitted to change the grade of South Third street (formerly Poston avenue) to conform to the new grade of Iowa avenue, so as to make the new grade of South Third street from Iowa avenue to Virginia avenue, extended, practically level.

South Third
street.
Clearance.

All existing public and private ways, alleys and places between Rayburn avenue (boulevard) on the west and South Third street on the east, north of Iowa avenue and south of Virginia avenue and Virginia avenue extended, to South Third street, are hereby vacated and ordered to be closed, and the Terminal Company is given and granted the right, privilege and permission to cross and occupy the same with its tracks, switches, turnouts, crossovers and signals.

Alleys closed.

The Terminal Company agrees to pay the City of Memphis, for the purpose of opening a new street from the south line of Georgia street, south of the intersection of DeSoto street to where Third street, if extended north across Railroad avenue,

To open
street from
Georgia to
Railroad
avenue.

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would intersect the north line of Railroad avenue, the sum of fifteen thousand dollars (\$15,000.00).

South Well-
ington street.

14. South Wellington Street (formerly LaRose Street), Closed; South Lauderdale Street Closed; Driver Street (formerly Cannovan Street), Improved and Widened with Overhead Crossing; and Dutro Place, Extended, Opened and Improved. The Terminal Company is given and granted the right, privilege and permission to close South Wellington street (formerly LaRose street), from a point one hundred and sixty-six (166) feet south of the south line of Iowa avenue, as it now exists, measured along South Wellington street, north to the south line of Broadway, and to occupy and cross the same with such number of main, side, switch, drill and other tracks, crossovers and turnouts as may be necessary, and to erect thereover such train sheds, platforms, buildings and other improvements as the Terminal Company may, in its judgment and discretion, from time to time determine to be necessary or desirable to the proper construction, development and operation of its said terminal facilities.

The above grant of right, privilege and permission to so close South Wellington street, and to occupy the same is, however, subject to the rights of the Memphis Street Railway Extension Company, or its assigns, the Memphis Street Railway Company, to occupy the said South Wellington street (formerly LaRose street), with its tracks, poles, wires, etc., and to operate its car service thereover, as provided in the Memphis Street Railway Extension Company's contract ordinance, passed final reading in the Legislative Council of the City of Memphis, February 22, 1905; *provided, further*, that in the event that before the above mentioned grant to the Terminal Company to close and occupy said South Wellington street (formerly LaRose street) be accepted, then the Legislative Council of the City of Memphis agrees and binds itself to pass a valid ordinance granting to the Mem-

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phis Street Railway Company the franchise right to occupy with its tracks, poles, wires, etc., and its car service, the following route, to-wit:

Commencing at the angle in South Wellington street (formerly LaRose street), as now existing, approximately — feet south of Georgia avenue; and thence in a southeasterly direction on and over the sixty (60) foot street, as provided for in Section 3, Subsection 14, of this ordinance, the east line of which shall be the continuation of the present east line of South Wellington street (formerly LaRose street) from Georgia avenue to the angle above mentioned, to South Driver street, as located, widened and improved under the above mentioned provisions of this ordinance; thence south on said South Driver street to Alston avenue; thence west on Alston avenue to South Wellington street, with the right to construct such necessary curves, switches, turnouts, etc., as may be required in the operation of said tracks, under the same terms and conditions, and for the same period of time as set forth in the contract ordinance of the Memphis Street Railway Company, passed final reading November 20, 1895, as found in Watkins' Digest of the laws of the City of Memphis, on pages 481 to 489, inclusive, except that the Terminal Company be obligated to bear the whole expense of the original paving required upon that portion of said Driver street it is required to pave, the whole width of as is set forth above in this section of the ordinance, and that the Memphis Street Railway Company is relieved of this obligation as to said original paving, but not as to the maintenance of same in the proposed ordinance granting it rights of way on this street, in lieu of its present rights of way on said South Wellington street, closed, as aforesaid; then, and in that event, the right, privilege and permission above granted to the Terminal Company to close and occupy South Wellington street shall not be deemed to infringe upon the rights of the Mem-

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phis Street Railway Company, and the closing and occupation of said street shall not be subject to said rights.

Lauderdale
street.

The Terminal Company is also given the right, privilege and permission to close Lauderdale street between the north line of Iowa avenue and a point three hundred and fifty (350) feet south of the south line of Broadway, measured on Lauderdale street, and to cross the same with such main, side, switch, drill and other tracks, crossovers and turnouts as said company, in its judgment and discretion, may determine to be necessary or desirable for the proper construction, development and operation of its said terminal facilities, and Lauderdale street, between the points above named, and South Wellington street, between the points above named, are hereby declared to be vacated and closed.

Driver street. The Terminal Company is also given and granted the right, privilege and permission to cross Driver street between Iowa and Broadway, as the same is required to be changed and improved in this ordinance, with such number of main, side, switch, drill and other tracks, crossovers and turnouts as the said company may, in its judgment and discretion, determine to be necessary or desirable for the proper construction, development and operation of its said terminal facilities, the said crossing to be by an overhead structure which shall be constructed and maintained by the Terminal Company, the clearance of which is to be fourteen (14) feet and six (6) inches between the top of the rail of the street car track of the Memphis Street Railway Company, to be placed upon said Driver street in the bottom of said overhead structure, and which overhead structure is to be constructed of steel or reinforced concrete, the abutments of which are to be placed on the property and the columns on the curb line.

The Terminal Company is permitted to close, use and occupy with its tracks, switches, turnouts, crossovers and other terminal

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facilities the east twenty (20) feet of Driver street, between the south line of Broadway and the north line of Iowa avenue, and the said twenty (20) feet off of the east side of Driver street is to be conveyed by the Mayor of the City of Memphis, by deed duly acknowledged and executed, to the Terminal Company, for its uses and purposes, as aforesaid.

In consideration of the closing of South Wellington and Lauderdale streets, as above provided, the conveyance to the Terminal Company of the portions of said street so closed, and the conveyance to the Terminal Company of the east twenty (20) feet of Driver street, as above provided, the Terminal Company is to widen and improve Driver street by opening, dedicating and deeding to the city a strip of land forty (40) feet wide, adjoining Driver street on its west side, as it at present exists, and extending from the north line of Iowa avenue to the south line of Broadway, so as to make the street sixty (60) feet wide, which is to be paved and curbed by the Terminal Company, and which is to be carried under the said tracks and improvements of the Terminal Company, as above provided. The Terminal Company is also required to provide a subway for Driver street, under Broadway, or Railroad avenue, for its full width of sixty (60) feet, which said subway is to be constructed of reinforced concrete or steel girders upon concrete foundation; the paving of Driver street above mentioned shall be of vitrified brick, and shall be carried to the north line of Railroad avenue.

Driver street
widened and
improved.

Subway for
Driver street.

The Terminal Company is also required to open a new street, being an extension or continuation of Dutro Place, from Lauderdale street west to Driver street, as changed in this ordinance, which said extension of Dutro place is to be forty (40) feet wide, and to be of the same character as Driver street at the present.

To open a
new street.

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Alleys closed. All existing public and private alleys, public ways and places not hereinbefore provided for between Henderson place (formerly McKinney street) on the east, and South Third street (formerly Poston street) on the west, except as hereinbefore kept open, are hereby vacated and ordered closed; and the Terminal Company is given and granted the right, privilege and permission to occupy the same with such turnouts, crossovers and other tracks and improvements as the said Terminal Company, in its judgment, may determine to be necessary or desirable to the proper development and operation of its said terminal facilities.

To open and
improve
Driver street.

The Terminal Company is required to open and improve Driver street north of East Railroad avenue, by extending the street provided for south of Railroad avenue, of a uniform width of sixty (60) feet northwardly until the same is intersected by the southeasterly extension of the present east line of South Wellington street, as it runs south from East Georgia street, so as to make a street uniformly sixty (60) feet wide, from Alston avenue on the south to the connection with South Wellington street on the north, with an angle of approximately thirty-six (36) degrees, at a point approximately one hundred and eighty (180) feet north of the north line of East Railroad avenue. The said improvement to consist of grading, curbing, paving with gravel.

Provided, further, that in any case where there is a removal of street or interurban railway tracks now constructed, caused by a change from one route to another, that the said Terminal Company shall bear, as a part of the expense of this removal, the expense of paving, graveling or macadamizing the space between the rails of said tracks of the aforementioned street railway or interurban railway companies, and two feet on each side thereof, so as to leave the space within the said rails and two feet on each outside thereof in a like condition as it at present

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exists, except where otherwise specified in the other provisions of this ordinance.

15. Henderson Place (formerly McKinney street)—Closed: Henderson place.
The Terminal Company is given and granted the right, privilege and permission to cross Henderson place (formerly McKinney street) with such main, side, switch, drill and other tracks, turnouts, crossovers as it may deem necessary or desirable for the proper construction, maintenance and operation of its terminal facilities between the north line of Iowa avenue and a point three hundred and twenty (320) feet north of said north line of Iowa avenue, and said street. Henderson place (formerly McKinney street) is hereby vacated and ordered to be closed between the above points.

The alley connecting Henderson place with Iowa avenue, and Alley closed.
between Henderson place and Mississippi avenue is vacated and ordered to be closed from the north line of Iowa avenue, a distance of three hundred and ten (310) feet, measured north along the west side of said alley, and the Terminal Company is given and granted permission and privilege to occupy the same with its tracks, turnouts and crossovers.

16. Mississippi avenue (Boulevard)—Under grade crossing: Mississippi avenue.
The Terminal Company is granted the right, privilege and permission to cross Mississippi avenue by undergrade crossing, so as to carry under Mississippi avenue four or more main, drill and side tracks; the said crossing to be between a point one hundred and fifty (150) feet from the north line of Iowa avenue, measured along the west line of Mississippi avenue and a point three hundred (300) feet from the north line of Iowa avenue, measured along the west line of Mississippi avenue. The Terminal Company is required to reconstruct and maintain Mississippi avenue over said tracks on a structure of steel or reinforced concrete, and is permitted to change the present grade

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of Mississippi avenue not exceeding two (2) feet from its present grade, so as to provide a minimum clearance of seventeen (17) feet between the tracks of the Terminal Company and Mississippi avenue.

East Cherry
place.

To open
new street.

17. East Cherry place (formerly Cherry alley): The Terminal Company is given and granted the right, privilege and permission to cross East Cherry place at its present intersection with Mississippi avenue, and from said intersection, to a point measured northeastwardly along the south line of East Cherry place, distant one hundred and fifty (150) feet, and from which said point, which is in the western line of an alley between Mississippi avenue (boulevard), and South Orleans street, Cherry place, as it at present exists, is ordered closed, and a new street is to be opened by the Terminal Company from said alley, connecting with Mississippi avenue, on the north side of the tracks of the Terminal Company. The said street is to be opened forty (40) feet wide, and Cherry place from said alley to Orleans street is to be widened to forty (40) feet, and the work necessary to the change of East Cherry place is to be done by the Terminal Company. The alley above referred to to be between Mississippi avenue (boulevard) and South Orleans street, is ordered closed from East Cherry place as it now exists, to a point one hundred and ninety (190) feet south thereof, and the Terminal Company is granted permission to cross and occupy the same with such main and other tracks and signals as, in the judgment of the Terminal Company, may be necessary or desirable for the proper construction of its terminal facilities.

Orleans
street.

18. Orleans Street—Closed. The Terminal Company is granted the right, privilege and permission to cross Orleans street between the north line of an alley which runs parallel with Provine street, and which intersects Orleans street one hundred and fifty feet north of the intersection of Orleans street

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and Provine street to a point one hundred feet north thereof with three or more main tracks, and such other tracks as the Terminal Company may, in its judgment and discretion, deem necessary or essential to the proper development and operation of its said terminal facilities, and between said points Orleans street is hereby ordered to be closed and vacated.

The alley which extends from the alley which runs parallel to Provine street and one hundred and fifty (150) feet north thereof, and which reaches from said alley to Broadway, is ordered to be closed from a point one hundred (100) feet north of the north line of the intersection of said alleys to the intersection of the same, and the Terminal Company is permitted to cross and occupy the same with three or more main, drill, emergency tracks and switches as in its judgment may be necessary or desirable for the proper operation of its said terminal facilities. Alleys closed.

19. Iowa Avenue, Changed and Improved. Wallace Place, Iowa avenue. Closed. Willoughby Street, Closed. South Wellington Street (formerly LaRose street), Changed and Improved: Iowa avenue is ordered to be vacated and closed from the east line of South Fourth street (formerly Davie avenue), east to the west line of Driver street, as changed in this ordinance.

Willoughby street is vacated and ordered closed from the south line of Iowa avenue, as at present, a distance of one hundred and sixty-six (166) feet south, measured along Willoughby street. Willoughby street.

South Wellington street (formerly LaRose street), is vacated and ordered closed from the south line of Iowa avenue, as at present, a distance of one hundred and sixty-six (166) feet south, measured along South Wellington street. South Wellington street.

Wallace place is vacated and ordered closed from the south line of Iowa avenue, as it at present exists, a distance of one Wallace place.

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hundred and sixty-six (166) feet south, measured along said Wallace place.

The Terminal Company is hereby given and granted the right, privilege and permission to occupy the above portions of Iowa avenue, Willoughby street and South Wellington street, and Wallace place and all public and private alleys between a point one hundred and sixty-six (166) feet south of the present south line of Iowa avenue on the south and Iowa avenue on the north; South Fourth street on the west and Driver street, as opened and extended in this ordinance, on the east, and to erect thereon and thereover such depot buildings, office buildings, train sheds, platforms, signals, tracks, switches, crossovers and turnouts, appurtenances or public approaches as it may determine to be necessary for the development, construction and operation and maintenance of its terminal facilities.

For and on behalf of the City of Memphis, the Mayor of Memphis is hereby authorized, empowered and directed to convey to the said Terminal Company, by deed duly executed and acknowledged, the above portions of Iowa avenue, Willoughby street and South Wellington street, and Wallace place, as above vacated and ordered to be closed. The said Terminal Company is to hold the same for the above uses, and for such other uses as may be necessary in the construction, maintenance and operation of its said terminal facilities, and for providing for convenient and easy access of the public thereto.

To open
street, from
South Fourth
to South
Driver street.

The Terminal Company agrees to and binds and obligates itself to open and deed to the City of Memphis by warranty deed a strip of land eighty (80) feet wide from the east line of South Fourth street east and parallel with Iowa avenue to the west line of South Driver street, for street purposes; the south line of said street being two hundred and forty-six (246) feet south of the south line of Iowa avenue. The Terminal Company

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further agrees to open and dedicate to the City of Memphis, for the benefit of the public, a street sixty (60) feet wide, being an extension south from Iowa avenue of Driver street to an intersection of Alston avenue as it now exists.

To open street from Driver street to Alston avenue.

The streets above described which are to be opened and dedicated by the Terminal Company to the city for the uses of the public are to be graded and paved by the Terminal Company so as to afford the public convenient and easy access and approach to the station, and terminal facilities to be erected by the Terminal Company.

The streets opened to be improved.

The Terminal Company is authorized to change the present grade of Iowa avenue from South Fourth street west to Latham street so as to conform to the new grade of South Third street, *provided* the maximum grade of Iowa avenue, as authorized to be changed herein, shall not exceed four (4) per cent., and *provided* that the Terminal Company is to pave, curb and improve Iowa avenue between the said points, in the same manner the new streets hereinbefore required to be opened and deeded to the city are to be curbed, paved and improved.

Grade and pave Iowa avenue.

The Terminal Company is required to widen Iowa avenue from South Third street to a point three hundred (300) feet east of Rayburn avenue, by dedicating to the city ten (10) feet off of the property of the Terminal Company on the north side of Iowa avenue, and deed the said strip to the City of Memphis. It is also required to grade, curb and pave Iowa avenue from South Third street to South Fourth street, and between South Third street and South Fourth street it is to open, widen and dedicate Iowa avenue so as to make the same a uniform width of eighty (80) feet.

To widen Iowa avenue.

The Terminal Company is also to widen Iowa avenue from Driver street east to the first alley west of Mississippi avenue, by dedicating and deeding to the city ten (10) feet of the

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property of the Terminal Company on the north side of Iowa avenue.

Plaza in front
of depot.

The Terminal Company also agrees that that portion of its property lying south of and in front of its station buildings is not to be used other than as an approach to its stations and grounds, until when, and in its judgment, it shall be necessary, in order to provide for prompt, efficient and satisfactory handling of the railroads entering and using said station, in which event the Terminal Company may use so much of said property as may be necessary or desirable for the increase and enlargement of its buildings. The said property is in no sense dedicated to the public, but the title thereto remains in the Terminal Company, and no easement is granted thereto or thereunder, except as stated.

Virginia
avenue.

20. Virginia Avenue: The Terminal Company shall be required to open, deed and dedicate to the City of Memphis the right of way required to open Virginia avenue, of a uniform width of sixty (60) feet wide from the east line of South Main street to the west line of Rayburn boulevard, but this extension may be made on the property of the Terminal Company. The Terminal Company shall grade, construct concrete curb and gutter and a gravel roadway on Virginia avenue between South Main street and Rayburn boulevard, and construct a reinforced concrete culvert to carry the bayou under Virginia at or near its intersection with Michigan street.

Tracks to be
kept in re-
pair and
paved.

Sub-Sec. 4. *Be it further ordained*, That all tracks authorized to be constructed by the Terminal Company by this ordinance and which track or tracks cross any public street, highway, thoroughfare, alley or public grounds, ways or places in the City of Memphis at a grade crossing, shall be constructed and kept in repair by the Terminal Company, so as to interfere as little as possible with the ordinary travel and use of such streets,

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avenues, highways, thoroughfares and alleys by the public, and paved between said tracks, and between the rails thereof, and for twenty-four (24) inches on each side thereof, and maintained by the said Terminal Company in such way and manner as the Municipal Council may from time to time determine and direct.

Sub-Sec. 5. *Be it further ordained*, That, in order to make the necessary grade crossings, overhead crossings and undergrade crossings, provided for in this ordinance, the Terminal Company is authorized and empowered to change the present existing streets, avenues, alleys, public grounds, ways and places, where necessary: *provided*, that in all cases where the said change of grade has not been in this ordinance expressly provided for, the same shall be so changed as that access to the said crossings shall be by easy and gradual approach, and so as to interfere as little as possible with the ordinary use and travel of such streets, alleys, avenues, highways and thoroughfares by the traveling public.

Change
grades.

Sub-Sec. 6. *Be it further ordained*, That the Terminal Company is hereby granted the right, privilege and permission to erect along and over and on the streets, avenues, alleys, public ways and places hereinbefore set out and named in Section 2 of this ordinance such temporary crossings and structures as may be necessary and essential to be made during the construction work; *provided, however*, that all such temporary crossings, whether at grade, overgrade or undergrade, shall be made under the general supervision of the City Engineer, and so as to interfere as little as possible with the ordinary use of such streets, avenues, public ways and places by the traveling public.

Temporary
crossings.

Sub-Sec. 7. *Be it further ordained*, That the Terminal Company, by its acceptance of this ordinance, agrees to indemnify and hold harmless the City of Memphis against any and all

Company to
hold the
city harmless
from dam-
ages, etc.

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claims whatsoever, whether direct or indirect, arising out of, or occasioned by, this grant and the exercise by it of the rights and privileges herein conferred upon the Terminal Company, and to defend all suits which may be brought against the city by reason of and on account of the closing of any streets or alleys or the change of grade of any streets or alleys herein authorized to be changed, and further agrees and binds itself to pay all judgments which may be rendered against the city by reason and on account of the changing, closing and vacating of any streets or alleys, or the changing of grade of the same.

May use
name of city
in condemna-
tion suits.

Sub-Sec. 8. *Be it further ordained*, -That the Terminal Company, when it becomes necessary to open and dedicate streets and alleys, as herein provided, may use the name of the city for the purpose of condemning the necessary ground for said streets and alleys, and also for the purpose of widening any streets or alleys herein required to be widened; *provided, however*, that the expense of such suits shall be borne by the Terminal Company, and judgments rendered therein shall be paid by it, unless otherwise provided in this ordinance.

The Legislative Council of the City of Memphis reserves the right to have the City Attorney appear in any suit brought for the condemnation of property for the purposes herein provided.

Railroads
may use
station.

Sub-Sec. 9. Any commercial railroad incorporated under the general railroad law of Tennessee, and owning not less than one hundred (100) miles of road contiguous to Memphis, and which shall have built into the City of Memphis and acquired and constructed its tracks to a connection with the tracks of the Terminal Company, shall be permitted by the Terminal Company to use the station upon terms that will be just and equitable; *provided*, that in no event shall such new road be admitted upon more favorable terms than have been enjoyed up to that time by any of the proprietary railroad companies.

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Sub-Sec. 10. *Be it further ordained*, That from and after the completion of the tracks and work hereinbefore provided, that all provisions of the ordinances of the City of Memphis relating to the speed of railway trains, the number of cars to constitute a train, the ringing of locomotive bells, the use of train or engine lights, the sounding of signals before starting trains, and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall not be applicable to the trains and tracks of the Terminal Company.

Ordinances
relative to
speed of
trains, etc.,
not applicable,
except as
below.

Provided, however, that this ordinance is not to be considered as a waiver or surrender by the City of Memphis of any of its police powers, or the right at any time hereafter to pass necessary and reasonable ordinances in said matters.

Provided, further, that this section does not apply to the crossings at Indiana street, and Arkansas street, nor any other grade crossing, as to which places the city ordinances now in force shall remain in full virtue until the grades of said street crossings are separated, as hereinbefore provided.

Sub-Sec. 11. *Be it further ordained*, That it shall be unlawful for any person or persons, save an employe of the Terminal Company, or an employe of some of the railroad companies contracting with the Terminal Company, and using its stations and terminals, and in the discharge of their duty, to enter or be upon, or walk along or across said tracks or right of way of the Terminal Company, at any place or places, and any person wilfully trespassing upon the tracks or right of way of the Terminal Company, or aiding, abetting or assisting others to do so, shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one dollar (\$1) nor more than fifty dollars (\$50) for each and every offense.

Persons
Trespassing
on tracks.

Provided, however, That this provision shall not apply to the crossings of the company's tracks at Indiana street and Arkansas street, nor any other grade crossing.

MEMPHIS TERMINAL COMPANY.

Equal rights
to plaza.

Sub-Sec. 12. *Be it further ordained*, That the Terminal Company shall not grant to any person, firm or corporation any exclusive right to any portion of the plaza or approach to the Union station, outside of its buildings, but that all persons shall have equal rights and privileges; *provided, however*, that the Terminal Company may make such reasonable rules and regulations concerning same as may from time to time be deemed necessary by it.

Sub-Sec. 13. *Be it further ordained*, That the following general provisions shall apply to the work done by the Terminal Company under the provisions of this ordinance:

Arc lights.

1. The Terminal Company shall be required to maintain arc lights at all street crossings, both overhead and grade crossings, and to light all subways as directed by the Legislative Council.

City Engineer
to have
general super-
vision.

2. The City Engineer shall have general supervision of all the work done in and over the public streets and places of the City of Memphis, not herein vacated, to the end that no unnecessary inconvenience, danger or loss shall be inflicted upon the public; but such supervision shall in no way operate to release said Terminal Company from any responsibility for faulty construction, defective material or damage, for which it may be liable, that may result from the acts of its agents and servants;

Provided, however, That no unnecessary or unreasonable burdens shall be imposed upon the Terminal Company, or its work be unnecessarily impeded.

Paving.

3. In all paving required under the provisions of this ordinance, and not otherwise provided for herein, the paving used shall be brick or asphalt, as ordered by the City Engineer, upon standard concrete foundation; the standard methods used by the City of Memphis shall be followed. The materials used shall be equal to those specified by the city in its annual contracts.

MEMPHIS TERMINAL COMPANY.

The new curbing required by this ordinance to be done by the Terminal Company shall be of large size granite.

4. Where the grades of a street are changed under the provisions of this ordinance, it shall be taken to mean that the grading shall extend from property line to property line, and to the subgrade of all pavements laid, unless otherwise provided.

"Grades
changed"
defined.

Except where otherwise provided, the street pavements, curbs and sidewalks shall be restored to original conditions.

Pavements,
etc.

5. All subways and other points where the surface of the street is disturbed, or the grade changed by the Terminal Company, shall be drained by laying drain pipes of sufficient capacity to carry and grade to insure positive drainage of such depressions.

Subways.

6. All inlets, drain pipes and culverts for taking care of the natural water courses in and about the Union Station, and under the tracks of the company, shall be of adequate size and approved design.

Inlets, drain
pipes, etc.

7. Nothing in this ordinance shall alter or impair any contract with any street railway company, steam railroad or railway company or any interurban company calling for any curbing or paving already done or to be done, or to be maintained by such street railway, steam railway or railroad company, or interurban railroad company.

Not to im-
pair other
contracts.

Sub-Sec. 14. *Be it further ordained*, That the Terminal Company shall, at its own expense, replace any curbs, sidewalks, paving, sewers, water pipes, conduits, steam railway tracks, street and interurban railway tracks, or other properties, that may be opened, misplaced or removed by the change of grades of the streets, or by a removal of streets and interurban railway tracks, caused by a change from one route to another, as herein provided; which repairs, changes, removals and renewals shall

To replace
curbs, paving,
water pipes,
etc.

MEMPHIS TERMINAL COMPANY.

be made at the expense of the Terminal Company; and the Terminal Company shall be liable for any expense incurred by owners of any of the above mentioned properties by reason of the failure or neglect of the Terminal Company to keep in condition such property for use during the progress of its work.

To keep
the tracks
of Street
Railway Com-
pany open.

Sub-Sec. 15. *Be it further ordained*, That where the construction of any work, the permission to do which is granted under the terms of this ordinance, shall affect the tracks of the Memphis Street Railway Company, that the said Terminal Company shall, at all times during the construction of said work, keep open for the uninterrupted passage of its cars, the said tracks of the Memphis Street Railway Company.

Grants made
without war-
ranty.

Sub-Sec. 16. *Be it further ordained*, That it is understood and agreed that the City of Memphis makes the grants herein without any warranty whatever, granting to the Terminal Company just such rights as it has power to grant, and the said Terminal Company assumes all risk of the lack of the power of the city to make such grants.

Police powers
reserved.

The City of Memphis does not grant any of its police powers over the granted premises and privileges, nor any of the general powers to control and regulate the running of locomotives and cars within the said city limits, nor does it grant any rights or privileges other than those specifically enumerated.

Right to lay
water pipes
in streets
and alleys
closed.

The Terminal Company expressly agrees and binds itself that in all the alleys, streets, avenues, public grounds and places which under the provisions of this ordinance have been ordered to be closed or vacated, the City of Memphis shall at all times have the right to construct sewers and lay water pipes, conduits, gas pipes, etc., over and under same, whenever it shall be deemed necessary to do so by the Legislative Council.

Rights to re-
vert to city
—when.

Sub-Sec. 17. *Be it further ordained*, That if the Terminal Company or its successors or assigns, shall cease to use the privilege,

MEMPHIS TERMINAL COMPANY:

rights and franchises herein granted for passenger station and terminal purposes, then, in such event, all of the rights and privileges herein granted shall cease, and all of the rights herein granted to, over, along and across the streets and alleys and public highways and places shall revert to the city.

Sub-Sec. 18. All structures placed over streets by the Terminal Company shall be made thoroughly water proof as to roof and sidewalls, and the same shall apply to the under pass on Mississippi boulevard; all of said provisions for waterproofing are to be made under the immediate direction of the City Engineer.

Water proof
structures.

Sub-Sec. 19. *Be it further ordained*, That work shall be begun within three months after the acceptance of this ordinance by the Terminal Company, and shall be pushed to completion with reasonable expedition. The Terminal Company shall also be required to execute a good and solvent bond in the sum of two hundred and fifty thousand dollars (\$250,000), which bond shall be conditioned upon the faithful and proper performance of all the duties and obligations imposed upon the said Terminal Company in this ordinance.

Work to be
gin and be
completed
—when.

Sub-Sec. 20. *Be it further ordained*, That this ordinance shall be accepted in writing by the Terminal Company by its proper and duly authorized officers, agents and attorneys, within thirty (30) days from and after the passage of the same and that if accepted, it take effect thirty (30) days after its passage, the public welfare requiring it.

Passed final reading Monday, October 19, 1908.

ACCEPTANCE OF ORDINANCE.

Memphis, Tenn., November 9, 1908.

To the Honorables James H. Malone, Mayor; Jno. T. Walsh, Vice-Mayor; B. G. Henning, H. T. Bruce and E. H. Crump, constituting the Board of Fire and Police Commissioners; and

MEMPHIS TERMINAL COMPANY.

Messrs. Geo. C. Love, Chairman; C. W. Edmonds, Thos. Dies, Frank F. Hill, A. H. Frank, Louis Sambucetti, H. T. Winkelman, J. S. Dunscomb, P. J. Moran and J. Thos. Wellford, members of the Board of Public Works; all constituting the Legislative Council of the City of Memphis, Tennessee.

Gentlemen:

At the meeting of the Board of Directors of the Memphis Railway Terminal Company, held in St. Louis, Mo., on November 6th, 1908, the following resolution was adopted:

"Resolved, by the Board of Directors of the Memphis Railroad Terminal Company, that the ordinance entitled, 'An ordinance granting certain rights, privileges and franchises in the City of Memphis, Tenn., to the Memphis Railroad Terminal Company, for the purpose of constructing, operating and maintaining within the corporate limits of said city, passenger stations and terminals,' passed final reading by the Legislative Council of the City of Memphis, Tenn., October 19, 1908, be, and the same hereby is accepted by the Memphis Railroad Terminal Company.

"Be it further resolved, That the President or Vice-President of the Company be and hereby is empowered and directed to file with the Mayor and Legislative Council of the City of Memphis, Tenn., in the name of the Memphis Railroad Terminal Company, a written acceptance of said ordinance."

Now, therefore, I, John H. Watkins, as President of the Memphis Railroad Terminal Company, in the name, and in behalf of the Memphis Railroad Terminal Company, do hereby accept the ordinance entitled, "An ordinance granting certain rights, privileges and franchises in the City of Memphis, Tenn., to the Memphis Railroad Terminal Company, for the purpose of constructing, operating and maintaining within the corporate

CUMBERLAND TELEPHONE AND TELEGRAPH COMPANY.

limits of said city, passenger stations and terminals," passed final reading by the Legislative Council of the City of Memphis, Tenn., October 19, 1908, and notice is hereby given you of said acceptance, in accordance with the terms of said ordinance.

Respectfully,

MEMPHIS RAILROAD TERMINAL COMPANY

By JOHN H. WATKINS, President.

Attest: O. F. GHRIST, Secretary.

ARTICLE 92.

CUMBERLAND TELEPHONE & TELEGRAPH CO.

ORDINANCE.

Sec. 1386. *Be it ordained by the Legislative Council of the City of Memphis*, That the right to maintain, repair and operate all poles and wires heretofore erected by the Cumberland Telephone & Telegraph Company, in the streets, alleys and public places of the City of Memphis, and now in existence and used for the purpose of giving telephone and telegraph service, be, and the same is hereby ratified, approved and confirmed to the said Cumberland Telephone and Telegraph Company, its successors and assigns.

Right to give
telephone and
telegraph
service con-
firmed.

Sec. 1387. *Be it further ordained*, That said Cumberland Telephone & Telegraph Company, its successors and assigns, is hereby given the right and authority to erect, maintain and operate such additional poles and wires from time to time, over and along the streets, alleys and public places in the City of Memphis for the purpose of giving telephone and telegraph service, as its business may necessitate and require, *provided*, all such poles shall be erected under the supervision and control of the Chief of the Fire Department, who shall designate where such poles shall be erected.

Grant to op-
erate addition-
al service.

Sec. 1388. *Be it further ordained*, That said Cumberland Telephone & Telegraph Company, its successors and assigns, in

To furnish
city one
duct free.

CUMBERLAND TELEPHONE AND TELEGRAPH COMPANY.

To permit
city fire and
police wires
to be erected
on poles.

consideration of the rights herein above granted, shall furnish for the use of the City of Memphis one duct through its entire underground system in the City of Memphis, as same is now or may hereafter be constructed, together with necessary and proper space in its various manholes, to be used by the city, free of charge, for the installation and maintenance of the city's fire and police patrol wires, and shall also permit, free of charge, the city's fire and police patrol wires to be erected and maintained upon all poles heretofore erected, or that may hereafter be erected in the City of Memphis, upon uprights to be placed upon the top of all its poles in the City of Memphis, and to be of seasoned timber, and of such dimensions and construction as the city may direct, but said wires shall be so erected as not to interfere with the wires of said company.

Written acceptance to
maintain
duct, etc.

Sec. 1389. *Be it further ordained*, That said Cumberland Telephone & Telegraph Company shall file with the city's Secretary its written acceptance, under its corporate seal, of the provisions of this ordinance, and shall obligate itself, its successors and assigns, to maintain said duct and space in its manholes in its underground system, and the space upon its poles, so long as it, or its successors or assigns, shall continue to conduct a telephone or telegraph business in said city; and such acceptance shall be so filed within ten days from the date of the passage of this ordinance.

Police power
reserved.

Sec. 1390. *Be it further ordained*, That the Legislative Council and the public authorities of the City of Memphis do not herein or hereby undertake to, or intend to, surrender or contract away any of its police power in respect to the poles and wires now erected, or hereafter to be erected, by said Cumberland Telephone & Telegraph Company, but all police power the city now has is reserved and retained by it as if this ordinance had not been enacted or passed.

CUMBERLAND TELEPHONE AND TELEGRAPH COMPANY.

Sec. 1391. *Be it further ordained*, That the Cumberland Telephone & Telegraph Company binds itself, its successors and assigns, to erect and establish a ringing circuit, and furnish bells and generators for same. Said circuit, bells and generators to be established in all fire engine houses now used, or hereafter to be acquired or used by the city. And said company binds itself, its successors and assigns, to erect and establish a twelve (12) drop board for the police station of the City of Memphis, and extension lines for six (6) desk sets in the police station. This obligation shall rest and remain upon the said company, its successors and assigns so long as it or they shall operate a telephone system in the City of Memphis.

To furnish ringing circuit at fire engine houses, etc.

Sec. 1392. *Be it further ordained*, That the original and continued performance of each and every stipulation and condition hereby imposed upon the said Cumberland Telephone & Telegraph Company are conditions of the grant herein contained, and the failure of said company or any of its assigns or successors to perform the same within the time required shall, at the option of the city, work an entire forfeiture and cessation of all rights and privileges granted herein or exercised hereunder, and the city may, in the event aforesaid, declare such forfeiture, and cause the poles and wires of said company to be taken down, and the operation thereof discontinued. But said forfeiture shall not be enforced unless said company shall, for thirty days after notice, neglect or fail to perform such obligations. All of the conditions, duties and obligations herein imposed upon the Cumberland Telephone & Telegraph Company are likewise imposed upon any assigns or successor of said company, and such assigns or successor shall be subject to each and all of the conditions, duties and obligations herein imposed upon said Cumberland Telephone and Telegraph Company.

Forfeiture clause.

Sec. 1393. *Be it further ordained*, That the Cumberland Telephone & Telegraph Company shall never during the life of the

Rates to be charged.

CHARGES OF TELEPHONE COMPANIES.

franchise charge the citizens of Memphis any rate or rates for either business or residence telephones or telephone service higher than those that prevail at the present time.

Life of
franchise
30 years.

Sec. 1394. *Be it further ordained*, That the franchise of the Cumberland Telephone & Telegraph Company shall only be for a period of thirty years from date of the passage of this ordinance.

Passed final reading Monday, June 22, 1903.

ARTICLE 93.

AN ORDINANCE TO REGULATE CHARGES OF TELEPHONE COMPANIES IN
THE CITY OF MEMPHIS.

Sec. 1394a. *Be it ordained by the Legislative Council of the City of Memphis*, That all telephone companies operating a system of telephones in the City of Memphis shall charge for each telephone in places used for business purposes, not exceeding \$5 per calendar month; and for each telephone in private residences not exceeding \$2.50 per calendar month. And every subscriber for either a business or residence telephone shall have the right to pay for the same monthly, in advance, in accordance with the above rates. And such telephone company shall have the right to charge an increased rate of fifty cents per month to all subscribers who remain in default after the 10th of each month. *Provided*, this ordinance shall not apply to telephone companies whose rates are fixed by contract with the City of Memphis.

Sec. 1394b. *Be it further ordained*, That any such telephone company that shall charge more for the use of its telephones than the respective amounts above set out shall be guilty of a misdemeanor, punishable by a fine of \$10 for each offense. And each day that any such telephone is operated by any telephone company at a rate in excess of that above set out shall constitute a separate offense under this ordinance.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

Sec. 1394c. *Be it further ordained*, That any telephone company operating a telephone system in the City of Memphis which, after being tendered the rates above set out in this ordinance shall refuse to operate telephones for those who demand same shall be guilty of a misdemeanor, punishable by a fine of \$10 for each offense. And each day that such telephone company continues its refusal to operate any telephone after such tender and demand shall constitute a separate offense under this ordinance.

Passed Sept. 24, 1907.

ARTICLE 94.

ORDINANCE.

An ordinance providing for the straightening of Maxwell avenue by changing the location of the same between Summer avenue and the right of way of the Louisville & Nashville Railroad Company, and providing means and a plan for accomplishing this end.

Providing for
the straight-
ening of
Maxwell
avenue.

Sec. 1395. *Be it ordained by the Legislative Council of the City of Memphis*, That Maxwell avenue be straightened by changing its location between Summer avenue and the right of way of the Louisville & Nashville Railroad Company, so that Maxwell avenue, as changed, will begin at a point in the north margin of Summer avenue 491 feet west of the west margin of Evergreen avenue, thence running north and parallel to Evergreen avenue to the right of way of the Louisville & Nashville Railroad Company; thence along the margin of the right of way of the Louisville & Nashville Railroad Company in a southwestwardly direction to a point; thence southwardly from said point and parallel to Evergreen avenue to the north margin of Summer avenue; thence eastwardly along the north margin of Summer avenue 60 feet to the beginning, so as to make a street 60 feet wide from Summer avenue to the right of way of the Louisville & Nashville Railroad Company.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

Sec. 1396. *Be it further ordained*, That Maxwell avenue as at present located between Summer avenue and the right of way of the Louisville & Nashville Railroad Company, as shown on the Lea & Overton subdivision (which is of record on page 22, Platbook 4, in the Register's office of Shelby County, Tennessee), be and the same is hereby declared to be closed as a street, upon the dedication to public use for a street of the land required for the new location of Maxwell avenue between Summer avenue and the right of way of the Louisville & Nashville Railroad Company.

Sec. 1397. *Be it further ordained*, That so soon as J. M. Dickinson, who is the owner of the land upon which Maxwell avenue, as changed, is to be located, and also the owner of the land on both sides of said avenue as changed, and also as at present located, shall have filed for record in the office of the Register of Shelby County, Tennessee, a plat, approved by the City Engineer, dedicating to public use for a street the private property above described, upon which Maxwell avenue, as changed, is to be located, the Mayor, in consideration therefor, is hereby authorized and directed, for and on behalf of the City of Memphis, to execute to said J. M. Dickinson, a deed, under the corporate seal of the City of Memphis, conveying to said J. M. Dickinson all right, title and interest which the City of Memphis has in and to the land upon which Maxwell avenue is now located between Summer avenue and the right of way of the Louisville & Nashville Railroad Company, said land being described as follows:

Beginning on the northeast corner of Maxwell avenue and Summer avenue (as said Maxwell avenue is shown on the plat of the Lea & Overton subdivision), running thence north with the east side of Maxwell avenue to the south line of the right of way of the Louisville & Nashville Railroad Company;

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

thence in a southwesterly direction along the margin of said right of way to the west line of Maxwell avenue; thence south with the said west line of Maxwell avenue to the north line of Summer avenue; thence east with said north line 60 feet to the point of beginning.

Passed final reading July 6, 1905.

AN ORDINANCE PROVIDING FOR THE CLOSING OF GRAVES PLACE AND THE OPENING AND DEDICATION OF EASTMORELAND AVENUE.

Whereas, the committee to whom was referred the petition of E. B. LeMaster, W. C. Graves, and A. C. Tarr, with reference to the closing, for city purposes, of Graves place, between Union avenue and Linden avenue (formerly Mystic avenue), and accepting in lieu thereof, for city purposes, a street to run east and west from the east line of Marx avenue to the west line of the George J. Campbell subdivision, to be fifty (50) feet wide; and,

Whereas, in the presentation of the matter to the committee, it has been made to appear that the street to be closed, known as Graves place, was never opened and used by the public, and when the territory in which said Graves subdivision is located was annexed to the City of Memphis by extension of its limits, said street was shown on paper only, and no dedication thereof was ever accepted by the County of Shelby or the City of Memphis; and it further appearing that said paper street lies within one hundred and ninety feet of another street running parallel therewith, to-wit: Marks avenue, now LeMaster street, and that the opening thereof would not conform to the public interest, or to the general plan for streets of the City of Memphis.

And it further appearing from the committee's report that it has recommended the closing of said Graves place or street and the acceptance of the said extension of Eastmoreland avenue

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

as prayed for in the petition, all of which it appears is strictly for the city's interest and for city purposes; therefore,

Be it ordained by the Legislative Council of the City of Memphis, as follows:

Sec. 1398. First. That Graves place, or street, as shown on the plan of the said Graves subdivision, being forty feet wide and running from the north line of Linden avenue, formerly Mystic avenue, northwardly, to Union avenue, the west line thereof being approximately 190 feet east of the east line of Marks avenue, be and the same is hereby closed, and any dedication or attempted dedication thereof is declined, renounced and not accepted. Such closing is not to affect the first and second alleys south of Union avenue between LeMaster street and the west line of the Campbell subdivision.

Sec. 1399. Second. That Eastmoreland avenue as shown on blue print accompanying said petition, being a street fifty (50) feet wide, running eastwardly from the east line of Marks avenue, to the west line of the George J. Campbell subdivision, being parallel with and three hundred and one (301) feet north of Linden avenue, approximately four hundred and twenty-five and three-tenths (425.3) feet, be opened as a street and the dedication thereof be, and the same is hereby accepted.

Sec. 1400. Third. The Mayor of the City of Memphis is authorized and directed to execute in the name of and on behalf of the City of Memphis, a quit claim deed releasing all right, title and interest of the city in the said Graves place to the owners of the fee or reversion therein.

Sec. 1401. Fourth. The committee's report recommending the closing of Graves place and the opening of Eastmoreland avenue is adopted.

Passed final reading December 28, 1908.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

RESOLUTION.

BACK TAX ASSESSMENT.

Sec. 1402. *Be it resolved by the Legislative Council of the City of Memphis*, That this Council is opposed to the back assessment of the property of the citizens of this city. The city has its Tax Assessor and its Board of Equalization, and after the property has once been assessed by the Assessor, and the valuation fixed by him has been passed upon by the Board of Equalization, the matter should end there.

Council
opposed to
back as-
sessment.

Be it further resolved, That no steps shall be taken toward the back assessment of property without the direction or consent of this Council.

Adopted Sept. 18, 1906.

RESOLUTION.

WATER METERS.

Sec. 1403. *Be it resolved by the Legislative Council of the City of Memphis*, That the Legislative Council direct the Commissioners of the Memphis Artesian Water Department of the City of Memphis that all water meters heretofore placed upon private residence consumers of water be removed, unless the consumer should request that the same be retained, and that this resolution take effect on the 1st day of April, 1906.

To remove
water meters
upon request
of con-
sumers.

Sec. 1404. *Be it further resolved*, That the Legislative Council direct said Commissioners to cease to put in meters upon the premises of private residence consumers, unless the same be requested by said consumers and that this latter section take effect at once.

Not to install
meters except
on request.

Adopted March 8, 1906.

RESOLUTION.

VALLEY OIL MILLS.

Sec. 1405. Committee on Streets, Bridges and Sewers, to whom was referred petition of Valley Oil Mills for permission

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

to erect a coal shed on Linden street just east of their present occupied premises, submitted the following report which was adopted unanimously:

"Your Committee on Streets, Bridges and Sewers, to whom was referred the petition of the Valley Oil Mills, recommend that the petition be granted subject to the will and pleasure of the Council, the consideration to be \$100 per annum, making a total rental for that part of the street as at present and that will be occupied, two hundred (\$200) dollars per annum."

Adopted Sept. 11, 1902.

RESOLUTION.

SEPARATION OF GRADES BETWEEN RAILROADS AND THE STREETS.

Whereas, There is contemplated a large amount of improvement in the City of Memphis, and such improvement includes the construction of subways and viaducts; and,

Whereas, The railroads entering the city and the Memphis Street Railway Company have indicated their willingness to construct such subways or viaducts, provided they be indemnified against property damages caused by the fixing of grades incident to such work; and,

Whereas, There may be situations where property owners or citizens will indemnify the railroad or railroads, the Street Railway Company and the City against such abutting damages; now, therefore,

Sec. 1406. *Be it resolved by the Legislative Council of the City of Memphis*, That, in any case of a railroad crossing an important street, when it is deemed advisable to require a separation of the grades between the railroads and the street, such separation will be ordered at the expense of the railroad or railroads interested, providing the abutting property owners affected by such work will release the city from all damages, or that responsible parties will secure the city and the railroad or

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

railroads against all claims for damages from the owners of property affected by the change of grade; and *provided, further*, that if such crossing be of a street occupied by a street railway line, the Street Railway Company shall contribute a proper proportion to the cost of said separation of grades and shall be protected equally with the city and railroads against any claims for damages from property owners affected.

Adopted Sept. 9, 1907.

RESOLUTION.

SUBWAY AT LAMAR BOULEVARD AND SOUTHERN RAILWAY.

Whereas, the Legislative Council of the City of Memphis heretofore passed a resolution to the effect that the city would require the several railroads entering the city to separate the grade of their tracks from the grade of the streets at important crossings, where the abutting property owners or other citizens would release the city and said railroad from all claims for damages to abutting property affected, by reason of said change of grades; and,

Whereas, the condition of said resolution has been complied with, as to the crossing of the Southern Railroad and Lamar boulevard, the city and said railroad being made secure against all claims for damages by reason of a subway at this point; and,

Whereas, a petition has been filed asking that the Council require a subway to be constructed at this crossing by raising the grade of said railroad and depressing the grade of said boulevard according to plans to be adopted by the City Engineer; and,

Whereas, the Council finds that this is an important crossing, where there is much travel, and great danger by reason of the railroad crossing said street at grade, and that it is proper and reasonable to require said grades to be separated at this crossing; therefore,

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

Subway at
Lamar boule-
vard and
Southern
Railway.

Sec. 1407. *Be it resolved*, That the Southern Railroad Company be, and is hereby ordered, to separate the grades of its railroad tracks and Lamar boulevard at said crossing by raising the grade of its tracks and lowering the grade of said boulevard, according to plans and specifications to be approved by the City Engineer; be it further

Resolved, That the Southern Railroad Company be notified to begin said work within sixty days from the passage of this resolution and to complete said subway within six months from said notice. A copy of this resolution will be delivered to said railroad company by way of such notice.

Adopted December 12, 1907.

RESOLUTION.

ON SEWER CONNECTION FOR TOWN OF BINGHAMTON.

Preamble.

Whereas, on the 3rd day of July, 1907, a petition was presented to this Council by the Board of Mayor and Aldermen of the town of Binghamton, Shelby County, Tennessee, asking permission to connect its sewer system with the sewer of Memphis; and,

Whereas, the opinion of the City Attorney of Memphis as to the legal right of the City of Memphis to allow such connection has been asked by this Council, and said opinion in writing having been submitted declaring that the City of Memphis has the legal right to allow such connection, if the same be deemed necessary, or manifestly desirable; and,

Whereas, the sewerage of Binghamton and the erection of a water system in said town are matters that vitally affect the health and well being of both the people of Memphis and Binghamton:

Be it resolved, therefore, by the Legislative Council of Memphis:

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

Sec. 1408. First. That the town of Binghamton be permitted to connect its sewers with the twenty-four-inch main of the City of Memphis at some point on Summer avenue, as determined by the City Engineer of Memphis; said connection to be made under the direction and supervision of said City Engineer, and to conform to all general requirements of the City of Memphis as to the connection and as to repairing whatever portions of the streets of the City of Memphis are interfered with in order to make such connection. It is expressly understood, however, that said connection is to be made without cost to the City of Memphis.

Connect with
sewer main
on Summer
avenue.

Sec. 1409. Second. Inasmuch as the territory to which this resolution relates is within the one-mile limit of which the City of Memphis has jurisdiction for health and sanitary purposes, all sewer and water connections shall be installed under the direction of the City Engineer of Memphis and remain under the supervision of the inspectors of said City of Memphis, who will enforce the usual requirements for the purposes hereinbefore set out, within such one-mile limit.

City of Memphis
to have
jurisdiction
for health
and sanitation.

Sec. 1410. Third. *Be it further resolved*, That the Board of Mayor and Aldermen of Binghamton shall be provided with a copy of this resolution, and shall by resolution or ordinance accept the conditions and acknowledge the jurisdiction herein claimed.

To accept
conditions.

Sec. 1411. Fourth. Said connection of the sewer of the City of Binghamton when made with the sewers of the City of Memphis is to continue at the will and pleasure of the Legislative Council of the City of Memphis, and the City of Binghamton must agree as a condition precedent to said connection to agree by resolution of its proper Board to come within the corporate limits of the City of Memphis and become a part of said city by proper act to be passed by the next General Assembly in 1909.

Connection to
continue at
will and
pleasure of
Council.

Passed final reading, Sept. 20, 1907.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

RESOLUTION ON SEWER CONNECTION FOR LENOX, AND EXTENSION OF
WATER MAINS.

Whereas, on a resolution was passed by this Council authorizing the municipal authorities of the town of Lenox to connect their sewer system, now being constructed, with the sewers of Memphis, and that the Water Commissioners be authorized to extend the water system to the people of Lenox, and to give the usual service for flushing the sewers, etc., *provided*, in the opinion of the City Attorney the same could be done legally; and,

Whereas, before commencing the sewer work at Lenox, acting under said resolution, the Board of Mayor and Aldermen of Lenox submitted a copy of their contract for building said sewers, to the City Attorney of Memphis, and he pronounced it in all things legal, and so made known his opinion, but had not up to the time of his death reduced his opinion to writing; and,

Whereas, upon such assurance from the City Attorney the Board of Mayor and Aldermen of Lenox, and the contractor doing the work, have considered that all questions of the legality of such connection of the sewer system final, but as yet no resolution finally authorizing such connection and the extension of the water mains has been passed by this Council; and,

Whereas, the sewerage of Lenox, and extension of the water mains to that territory are matters that vitally affect the health of the citizens of Memphis as well as of Lenox; be it therefore,

Resolved by the Legislative Council of the City of Memphis:

Sec. 1411a. First. That the Lenox sewer system be permitted to connect with the sewer main of Memphis at such point on Cooper avenue, as determined by the City Engineer, subject to the will and pleasure of the Council.

Second. That the Water Commissioners extend the water

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

service in such manner as will give the usual flushing service to the sewers as so extended.

Such sewer connections and water connections will be made under directions of J. A. Omberg, Jr., City Engineer, who has been employed by the town of Lenox to supervise said sewer construction.

Inasmuch as the territory to which this resolution relates is within the one-mile limit of which the City of Memphis has jurisdiction for health purposes, all private sewer connections and water connections shall be under the supervision of the inspectors of the City of Memphis, who will enforce the usual requirements within such one-mile limit.

Be it further resolved, That the Mayor and City Council of Lenox shall be provided with a copy of this resolution and shall by resolution or ordinance accept the conditions and acknowledge jurisdiction herein claimed.

Adopted July 7, 1904. (Book F, page 350.)

ACCEPTANCE.

Be it resolved by the Board of Mayor and Aldermen of the Town of Lenox, That the resolution heretofore, to-wit: on the 7th day of July, 1904, passed by the City Council of Memphis granting permission to the Town of Lenox to connect sewers with the system of Memphis, is hereby accepted by this Board, and the conditions as to the enforcement of water and sewer connections embraced in said resolution giving to the City of Memphis the supervision thereof, are hereby accepted; and the jurisdiction therein claimed by said City of Memphis as to the one-mile limit is hereby acknowledged.

Adopted August 8, 1904. (Minute Book F, page 357.)

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

DOG ORDINANCE.

An ordinance to regulate the running at large of dogs on the streets and alleys of Memphis.

Dogs at large. Sec. 1412. *Be it ordained by the Legislative Council of the City of Memphis*, That no dog shall be permitted to run at large on the streets and alleys of the City of Memphis, unless such dog shall wear a tag or plate for the current year, the said plate or tag to bear the words "registered for the year 190.., (signature of Register of Licenses and Privileges), Register of License and Privileges of Memphis, Tennessee." The said tag or plate is to be purchased from the Register of Licenses and Privileges at the price of \$1.25, the said sum to be considered a registration fee and to be used for the maintenance of a pen or pound and to pay fees and salaries as hereinafter provided.

License for.

Sec. 1413. Any dog found without such tag or plate shall be caught by any member of the police force or by any person and imprisoned in a pen to be kept for that purpose and the Board of Fire and Police Commissioners shall employ one or more persons at a stipulated price, not to exceed \$5 per day each for the capture of such dogs as may be found on the streets and alleys without such a tag or collar, and such persons shall furnish their own appliances and help.

Caught and imprisoned.

Sec. 1414. The owner of any dog so caught and imprisoned shall be entitled to the possession of said dog upon proof of ownership, the payment of \$1 to the city treasury and the purchase of a tag at the price aforesaid.

Recover dog—how.

Sec. 1415. All dogs not claimed in seventy-two hours after being caught and imprisoned shall be killed by the orders of the Chief of Police.

Killed—when.

Sec. 1416. From the 1st day of May to the 1st day of October, no dog shall go at large without being muzzled as well as tagged.

Season to be muzzled.

Passed final reading Thursday, June 7, 1906.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

ORDINANCE.

Be it ordained by the Legislative Council of the City of Memphis, that:

Whereas, by an act passed by the Legislature of the State of Tennessee, approved April 15, 1905, and being Chapter 357 of the published Acts of 1905, the County of Shelby was authorized to issue \$1,000,000 (one million dollars) of bonds for the purpose of erecting a courthouse and to appoint commissioners to select a site for and to erect said building thereon; and,

Whereas, N. C. Perkins, Levi Joy, John Colbert, W. J. Allen and J. T. Walsh were regularly appointed as said commissioners; and,

Whereas, said commissioners, as they were authorized and directed to do by said act of the Legislature, have selected the square in the City of Memphis, Shelby County, Tenn., bounded by Washington, Second, Adams and Third streets, for the purpose of locating said courthouse thereon; and,

Whereas, the County Court of Shelby County has passed a resolution authorizing the City of Memphis to use a part of said courthouse for its offices on certain conditions in said resolution set out, and which are very favorable and to the advantage of the city; and,

Whereas, the title to the alleys in said square is in the City of Memphis; now therefore,

Alleys around
new court
house deed-
ed to county.

Sec. 1417. *Be it ordained*, That the City of Memphis transfer and convey to the County of Shelby all of the right, title and interest that the said city has in and to all of the alleys within said square and especially to the alley between Second and Third streets running north and south from Adams to Washington street; and also the alley between Washington and Adams street running east and west between Second and Third streets.

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

To have and to hold, to the said County of Shelby for the purpose of erecting thereon a courthouse as aforesaid, and for the necessary grounds thereto pertaining.

And the Mayor of said city is hereby authorized to execute a conveyance to the County of Shelby for the purposes aforesaid, if the same be deemed necessary.

Passed final reading Thursday, Aug. 9, 1906.

Wood fence. Sec. 1418. *Be it ordained by the Legislative Council*, that it shall be a misdemeanor to build any fence of wood or other inflammable or combustible material within thirty feet of the line of any street in the inner fire limits of the city.

Fence within
30 feet of
street. Sec. 1419. That it shall be a misdemeanor to construct or build any fence of any materials, or in any such manner as to in any way obstruct the free passage of either light or air within thirty feet of the line of any street in the City of Memphis.

Penalty. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and fined not less than \$10 nor more than \$50.

Passed final reading Saturday, January 16, 1904.

ADDENDA.

ORDINANCES PASSED AFTER MAIN BODY OF
MANUSCRIPT WAS PREPARED.

AN ORDINANCE to provide for the separation of the grades of streets from the grades of commercial railroads in the City of Memphis, in that area from Iowa avenue on the south to Calhoun avenue on the north, occupied by the tracks of the Illinois Central Railroad Company, the Yazoo & Mississippi Valley Railroad Company, the Nashville, Chattanooga & St. Louis Railway Company, the Louisville & Nashville Railroad Company and the Chicago, St. Louis & New Orleans Railroad Company, and in that area on Broadway, or Railroad avenue, between Kentucky street on the west and Porter street on the east, which is occupied by the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company, and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company, the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, and to provide for the change of the grade of the tracks of the said railroad companies in the above territory.

Section 1. *Be it ordained by the Legislative Council of the City of Memphis,* That the Illinois Central Railroad Company, the Yazoo & Mississippi Valley Railroad Company and the Chicago, St. Louis & New Orleans Railroad Company, the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroads
affected.

SUBWAYS.

Railroad Company, the Southern Railway Company, the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, are each respectively hereby ordered to elevate or depress the plane of their roadbeds and tracks within certain limits of the City of Memphis, and to construct subways or viaducts beneath and over said tracks, under the conditions hereinafter specified; that is to say:

Elevation of tracks at Iowa avenue.	First—The Illinois Central Railroad Company and the Yazoo & Mississippi Valley Railroad Company, and the Chicago, St. Louis & New Orleans Railroad Company, shall commence the elevation of their tracks and roadbeds at a point about five hundred (500) feet south of Iowa avenue, where the roadbeds and tracks are at present elevated to the height of approximately one hundred and forty-six (146) feet above the city datum. From said point the proposed elevated roadbed and tracks shall continue in the northerly direction to the south line of Calhoun avenue. The said tracks and roadbed to be elevated and brought to such grade as to bring the base of the rail of the said tracks to not less than one hundred and forty-nine (149) feet above the city datum at Iowa avenue; to not less than one hundred and fifty-one and one-half ($151\frac{1}{2}$) feet above the city datum at Virginia avenue; to not less than one hundred and fifty-three and one-half ($153\frac{1}{2}$) feet above the city datum at Broadway, or Railroad avenue; to not less than one hundred and fifty-one and one-half ($151\frac{1}{2}$) feet above the city datum at Carolina avenue for the east track, and not less than one hundred and fifty-four (154) feet for the west track; to not less than one hundred and forty-nine and one-half ($149\frac{1}{2}$) feet above the city datum at Georgia avenue for the east tracks, and not less than one hundred and fifty-four and one-half ($154\frac{1}{2}$) feet for the west tracks.
Calhoun avenue	
Iowa avenue	
Virginia avenue. Broadway.	
Carolina avenue.	
Georgia avenue.	

SUBWAYS.

Second—The Union Railroad Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company, the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, shall commence the elevation of their tracks and roadbeds at a point approximately eight hundred (800) feet west of Florida street on Railroad avenue, or Broadway, where the roadbed and tracks of the said companies are at present elevated to the height of approximately one hundred and fifty-two and one-half ($152\frac{1}{2}$) feet above the city datum; and from said point the proposed elevated roadbed and tracks shall continue in an easterly direction to a point three hundred (300) feet from Porter street in the City of Memphis. The elevation of the base of the rails of said tracks shall be not less than one hundred and fifty-six and two-tenths ($156\frac{2}{10}$) feet above the city datum at Florida avenue; shall be not less than one hundred and fifty-three and one-half ($153\frac{1}{2}$) feet above the city datum at the point where said tracks cross the tracks of the Illinois Central Railroad Company, the Yazoo & Mississippi Valley Railroad Company and the Chicago, St. Louis & New Orleans Railroad Company; shall be not less than one hundred and fifty-three and one-half ($153\frac{1}{2}$) feet above the city datum at Main street; shall be not less than one hundred and fifty-two (152) feet above city datum at five hundred (500) feet east of Main street; shall be not less than one hundred and fifty-three (153) feet above the city datum at Rayburn boulevard; shall be not less than one hundred and fifty-six (156) feet above the city datum at Third street; shall be not less than one hundred and fifty-eight and five-tenths ($158\frac{5}{10}$) feet above the city datum at South Wellington street; shall be not more than one hundred and sixty-one (161) feet above the city datum at Mississippi boulevard; shall be not less than one hundred and sixty-three (163) feet above the city datum at Orleans street.

Florida
avenue.
Broadway.

Porter street.

Florida
avenue.

I. C. and
Y. & M. V.
tracks.

Main street.

Rayburn.

Wellington.

Mississippi
avenue.

SUBWAYS.

N., C. & St. L. Ry. Third—The Nashville, Chattanooga & St. Louis Railroad Company and its lessee, the Louisville & Nashville Railroad Company, shall commence the elevation of their tracks and roadbed at a point on Broadway about five hundred (500) feet east of Main street. Main street, where their tracks begin to turn off from Broadway, and where Broadway is elevated under the present ordinance to a grade of approximately one hundred and fifty-two (152) feet above city datum. From said point the proposed elevated roadbed and tracks shall continue in a northerly direction to their present terminus at Calhoun street, the said tracks and roadbeds to be elevated and brought to such a grade as to bring the base of the rails of said tracks to an elevation of not less than one hundred and forty-nine (149) feet above city datum at Carolina street, to an elevation of not less than one hundred and forty-seven (147) feet above city datum at East Georgia avenue, and to an elevation of not more than one hundred and forty-three (143) feet above city datum at Clay or St. Paul avenue.

May change
location of
tracks.

Fourth—Nothing in this ordinance shall prevent the companies mentioned herein from changing the location of the said tracks by the mutual agreement of those interested, as they may deem necessary; *provided*, that no change of location may be made that will prevent the separation of the grades of the said tracks as contemplated in this ordinance.

The railway and railroad companies mentioned in this ordinance are hereby authorized to make such changes in position, number and alignment of their respective main and sidetracks and switch connections as may be desirable in order to carry out the provisions of this ordinance.

Material to
be used in
embank-
ments, etc.

Sec. 2. The embankment or embankments on which said elevated roadbeds shall be constructed within the aforesaid limits shall be composed of cinders, slag, sand, gravel, loam, broken

SUBWAYS.

stone or whatever else may compose the surplus material excavated from the subways and from the foundation pits and trenches along the line of the said work.

The side slopes and lateral dimensions of said embankments will be fixed and determined by the natural angle of repose of the materials of which said embankment may be constructed, but whenever it may become necessary for the purpose of keeping said embankment entirely within the lines of the right of way of company or companies, such portions of said embankment at all such points shall be kept within said right of way lines, or they shall be confined between retaining walls of stone, concrete or brick masonry.

Slopes, etc.,
of embank-
ments.

Sec. 3. The elevated tracks shall be carried across all intersecting streets, avenues and alleys which, by the terms of this ordinance, are to be provided with subways on suitable bridges of steel with concrete foundations, or of reinforced concrete, the construction of the same to be made under the supervision of the City Engineer; and all tracks and structures shall be so constructed as to prevent storm water, dirt, oil and other substances from dropping from such elevated structure upon the subway beneath. At points where viaducts are to be constructed, they are to be of reinforced concrete or steel, and the said structure shall be subject to the supervision of the City Engineer.

Elevated
tracks.

Viaducts;
material to
be used.

Sec. 4. First—Subways shall be constructed beneath the tracks of the Illinois Central Railroad Company, the Yazoo & Mississippi Valley Railroad Company and the Chicago, St. Louis & New Orleans Railroad Company, at Iowa avenue, at Carolina avenue, at Georgia avenue and at Virginia avenue.

Subways at
Iowa,
Carolina,
Georgia
and Virginia.

Second—Subways shall be constructed beneath the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company, its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company,

SUBWAYS.

the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, at Florida, Main, Rayburn, South Third, Orleans, ida avenue, at Main street, at Rayburn boulevard, at South Third street and at Orleans street; and a viaduct is to be constructed across the tracks at Mississippi boulevard.

Third—Subways shall be constructed beneath the tracks of the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railway Company, at Carolina, Georgia, Clay or St. Paul.olina avenue and at Georgia avenue, and the grade crossing at Clay or St. Paul shall be maintained.

Sec. 5. First—The different subways, viaducts and crossings of the streets hereinbefore referred to in Section 4 of this ordinance, and which shall be constructed, shall as to their size, dimensions, locations and other details, be in accordance with the following schedule:

Subway at Iowa avenue under the Illinois Central, Yazoo & Mississippi Valley, and Chicago, St. Louis & New Orleans tracks.

Iowa avenue subway.

The present subway at Iowa avenue shall remain the same as to width, and the walls of said subway are to be raised so as to support the tracks crossing the same, and so as to furnish additional head room of four feet. At this point the city is, at its own expense, to raise the bottom of the subway and to repave the same.

Subway, Virginia avenue.

At Virginia avenue a subway is to be constructed under the tracks of the Illinois Central, the Yazoo & Mississippi Valley Railroad and the Chicago, St. Louis & New Orleans Railroad Companies. The elevation of the base of the rails is not to be less than one hundred and fifty-one and one-half ($151\frac{1}{2}$) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-three (133) feet above city datum. The level shall extend to the right of way lines of the tracks of said

SUBWAYS.

companies. From this level to the east and west approaches shall extend on a grade not to exceed four (4) per cent., to form a connection with the present surface of streets and alleys.

Width between walls of subway, sixty-five (65) feet.

Width of roadway forty-five (45) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of right of way lines, shall be sixty-five (65) feet.

The depression of the sidewalks shall be uniform with roadway, and about one and five-tenths (1.5) feet above the level of the roadway.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, fourteen and one-half ($14\frac{1}{2}$) feet.

Five years after the date of the passage of this ordinance, at Carolina avenue, a subway is to be constructed under the tracks of the Illinois Central, the Yazoo & Mississippi Valley and the Chicago, St. Louis & New Orleans Railroad Companies. The elevation of the base of the rails is to be not less than one hundred and fifty-one and one-half ($151\frac{1}{2}$) feet above the city datum for the east track, and one hundred and fifty-four (154) feet for the west tracks, and the depression of the streets shall be sufficient to make the elevation of the subway not less than one hundred and thirty-five and one-half ($135\frac{1}{2}$) feet above the city datum at the east and one hundred and thirty-eight (138) feet above the city datum at the west. These levels shall extend to the right of way lines of the tracks of the said companies. From these levels to the east and west approaches shall extend, on a grade not to exceed five per cent. for connection with Main street, as changed on the east, and not to exceed four (4) per

Subway, Carolina avenue.

SUBWAYS.

cent. for connection with the present surface of the streets and alleys west.

Width between walls of subway, sixty-five (65) feet.

Width of roadway, forty-five (45) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalk outside of right of way lines shall be sixty-five (65) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, twelve (12) feet.

Main street at Carolina avenue to be brought to an elevation of one hundred and forty-one (141) feet city datum.

Subway, East
Georgia
avenue.

At Georgia avenue a subway shall be constructed beneath the tracks of the Illinois Central, the Yazoo & Mississippi Valley, and the Chicago, St. Louis & New Orleans Railroad Companies. The elevation of the base of rail of the east track shall be not less than one hundred and forty-nine and one-half ($149\frac{1}{2}$) feet above the city datum; of the west track, not less than one hundred and fifty-four and one-half ($154\frac{1}{2}$) feet above city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-three and one-half ($133\frac{1}{2}$) feet at the east, and one hundred and thirty-eight and one-half ($138\frac{1}{2}$) feet at the west city datum, and between these points the bottom of the subway shall be on a straight grade; from these elevations at the right of way lines the east and west approaches shall rise on a grade not exceeding five (5) per cent. to a connection with the street sur-

SUBWAYS.

faces at their present elevations, except that the grade of the west approach shall be level across Florida street.

Width between walls of subway, sixty-six (66) feet.

Width of roadway, forty-six (46) feet in subway.

Width of sidewalk, ten (10) feet in subway.

Width of roadway and sidewalk, outside of right of way lines, shall be sixty-six (66) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports on the curb line for their tracks.

Clear head room, twelve (12) feet.

Webster avenue, at the point where it is crossed by the tracks of the Illinois Central, Yazoo & Mississippi Valley and the Chicago, St. Louis and New Orleans Railroad Companies, shall be closed. Webster avenue closed.

Clay avenue, at the point where it is crossed by the tracks of the Illinois Central, the Yazoo & Mississippi Valley and the Chicago, St. Louis & New Orleans Railroad Companies, shall be closed. Clay or St. Paul avenue.

At Florida street, a subway is to be constructed under the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company; the elevation of the base of the rails is not to be less than one hundred and fifty-six (156) feet above the city datum, Subway, Florida street.

SUBWAYS.

and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-eight (138) feet above the city datum. The level shall extend to the right of way lines of the tracks of said companies, and from this level to the north and south the approaches shall extend on a grade not to exceed four (4) per cent. for connection with the present surface of the streets and alleys.

Width between walls of subway, sixty (60) feet.

Width of roadway, forty (40) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of the right of way lines, shall be sixty (60) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, fourteen (14) feet.

Subway,
Main street.

At Main street a subway is to be constructed under the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company; the elevation of the base of the rails is not to be less than one hundred and fifty-three and one-half (153½) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-five (135) feet above the city datum. The level shall extend to the right of way lines of the tracks of

SUBWAYS.

said companies; from this level to the north and south approaches shall extend on a grade not to exceed three (3) per cent. to a connection with the present surface of the streets and alleys.

Width between walls of subway, sixty (60) feet.

Width of roadway, forty (40) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of the right of way lines, shall be ——— feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, fourteen and one-half (14½) feet.

At Rayburn boulevard a subway is to be constructed under the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company; the elevations of the base of the rails are not to be less than one hundred and fifty-three (153) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-four and one-half (134½) feet above the city datum. The level shall extend to the right of way lines of the tracks of said companies; from this level to the north the approach shall extend on a grade not to exceed four (4) per cent. for connection with the present surface of streets and alleys, and on the

Subway, Rayburn boulevard.

SUBWAYS.

south it shall be extended on a straight grade to an elevation of one hundred and forty-three (143) feet city datum at the north line of the right of way of the Illinois Central Railroad tracks into the terminal station, being the elevation of the subway to be constructed by the terminal company beneath the said Illinois Central Railroad tracks.

Width between walls of subway, sixty (60) feet.

Width of roadway, forty (40) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of the right of way lines, shall be sixty (60) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, fourteen and one-half (14½) feet.

Subway, S.
Third street.

At South Third street a subway is to be constructed under the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company. The elevations of the base of the rails are not to be less than one hundred and fifty-six (156) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-seven and one-half (137½) feet above the city datum. The level shall extend to the right of way lines of the tracks of said companies, and from this level to the north the approach shall extend on a grade not to exceed two (2) per cent. for the

SUBWAYS.

connection with the proposed surface of the streets, and to the south the approach shall extend on a straight grade to the bottom of the proposed subway to be constructed by the Memphis Terminal Company under their tracks, said elevation being one hundred and forty-five (145) feet above city datum at their north line.

Width between walls of subway, sixty (60) feet.

Width of roadway, forty (40) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of the right of way lines, shall be sixty (60) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, fourteen and one-half (14½) feet.

The above subway is to be constructed on the line of South Third street, as changed by the Memphis Terminal Company.

South Fourth street, at the point where it is crossed by the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, shall be closed. South Fourth street closed.

At Orleans street a subway is to be constructed under the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Subway, Orleans street.

SUBWAYS.

Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company. The elevation of the base of the rails is not to be less than one hundred and sixty-three (163) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and fifty and one-half ($150\frac{1}{2}$) feet above the city datum. The level shall extend to the right of way lines of the tracks of the said companies; from this level to east and west approaches shall extend on a grade not to exceed five (5) per cent. for connection with the present surface of streets and alleys.

Width between walls of subway, forty (40) feet.

Width of roadway, thirty (30) feet in subway.

Width of sidewalks, five (5) feet in subway.

Width of roadway and sidewalks, outside of the right of way lines, shall be forty (40) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, ten (10) feet.

S. Lauderdale
street closed.

South Lauderdale street, at the point where it is crossed by the tracks of the Union Railway Company, the Kansas City, Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company and the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, shall be closed.

Viaduct, Mis-
sissippi
avenue.

At Mississippi boulevard a viaduct is to be constructed over the tracks of the Union Railway Company, the Kansas City,

SUBWAYS.

Memphis & Birmingham Railroad Company and its lessee, the St. Louis & San Francisco Railroad Company, the Southern Railway Company, the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company.

The elevation of the roadway of the viaduct, where it intersects East Railroad avenue, shall be approximately one hundred and eighty-five (185) feet, and the elevations of the base of the rails of the several tracks on East Railroad avenue beneath said viaduct shall not be more than one hundred and sixty-one (161) feet, providing a clearance between the tracks on East Railroad avenue and the structure of the viaduct is not less than twenty-one (21) feet. The approach from the south in Mississippi boulevard shall have a four (4) per cent. grade, and those from the north a five (5) per cent. grade.

Width over all of viaduct, forty-five (45) feet.

Width of roadway, thirty-five (35) feet.

Width of sidewalks, five (5) feet each.

Sec. 5. Second. *Be it further ordained*, That the Nashville, Chattanooga & St. Louis Railway Company shall be required to elevate the plane of its roadbed and tracks at Carolina and Georgia avenues in the City of Memphis, so as to have the base of the rails of said tracks at Carolina avenue to be one hundred and forty-nine (149) feet above the city datum, and at Georgia avenue to be one hundred and forty-seven (147) feet above the city datum.

Carolina and
Georgia
avenues.

The subways provided in Section 5, Second, shall, as to their size and dimensions, locations and other details, be constructed in accordance with the following schedule:

Five years after the passage of this ordinance, at Carolina avenue, a subway is to be constructed under the tracks of the

Subway, Carolina avenue.

SUBWAYS.

Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, the elevation of the base of the rails not to be less than one hundred and forty-nine (149) feet above the city datum, and the depression of the street shall be sufficient to make the elevation of the subway not less than one hundred and thirty-three (133) feet above the city datum. The level shall extend to the right of way lines of the tracks of said companies. From this level east and west approaches shall extend on a grade not to exceed five (5) per cent. for connection with the present surface of the streets and alleys.

Width of walls of subway, sixty-five (65) feet.

Width of roadway, forty-five (45) feet in subway.

Width of sidewalks, ten (10) feet in subway, each.

Width of roadway and sidewalks, outside of right of way lines, shall be sixty-five (65) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, twelve (12) feet.

Subway, Georgia avenue.

At Georgia avenue a subway is to be constructed beneath the tracks of the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company.

The elevation of the base of rail shall not be less than one hundred and forty-seven (147) feet above city datum, and the depression of the streets shall be sufficient to make the elevation of the subway not less than one hundred and thirty-one

SUBWAYS.

(131) feet above the city datum. This level shall extend to the right of way lines of the tracks of said companies, and from this level east and west approaches shall extend on a grade not to exceed four (4) per cent. to a connection with the present street surfaces.

Width between walls of subway, sixty-six (66) feet.

Width of roadway, forty-six (46) feet in subway.

Width of sidewalks, ten (10) feet in subway.

Width of roadway and sidewalks, outside of right of way lines, shall be sixty-six (66) feet.

The depression of the sidewalks shall be uniform with the roadway, and about one and five-tenths (1.5) feet above the level of the same.

The said companies may place steel or concrete supports in the curb line for their tracks.

Clear head room, twelve (12) feet.

Webster avenue, at the point where it is crossed by the tracks of the Nashville, Chattanooga & St. Louis Railway Company, shall be closed. Webster avenue closed.

Clay or St. Paul avenue, at the point where it is crossed by the tracks of the Nashville, Chattanooga & St. Louis Railway Company and its lessee, the Louisville & Nashville Railroad Company, shall be a grade crossing, with approaches on a grade of not more than three (3) per cent. to the east and west. Elevation of base of rail not more than one hundred and forty-three (143) feet above city datum. St. Paul avenue grade crossing.

Sec. 5. Third. The grades of all streets that intersect the approaches to subways and viaducts, as provided for in this ordinance, shall be depressed or raised so as to conform to the grade of the approaches into such subways and viaducts. Grade of approaches.

SUBWAYS.

Street excavations.

Sec. 6. All such excavations shall be made in the streets as may be required for the depression of such subways and the approaches thereto, but the depressed portion of the streets shall be restored to serviceable condition for the use of the public as soon as practicable, and all water pipes, conduits, sewers and other similar substructures belonging to the city, that may be disturbed by such excavations, or required to be moved or deflected from the position in which they are found, shall be replaced, all suitable expedients and arrangements shall be devised and provided to restore them as fully as may be to their

Gradients of sewers.

former state of usefulness, but the gradients of the sewers shall not be reduced in any event. All such work shall be done by the respective railroad and railway companies, as indicated in this ordinance, and at their sole expense, and under the immediate supervision and to the entire satisfaction of the City Engineer.

Drainage of subways.

Sec. 7. Provision shall be made for the drainage of subways provided for in this ordinance, by the construction of suitable storm sewer drains, which shall be designed according to McMath's formula, as applied by the City Engineer.

Sec. 8. First. Subways and viaducts, and the approaches thereto, so to be constructed by said companies in said streets and avenues aforesaid, shall all conform to the following structural requirements, namely:

Subways and viaducts.

The subways and viaducts between the right of way lines shall be paved with vitrified brick on a six-inch concrete foundation. The curb shall be of granite, 6x20 inches, and the sidewalks shall be granolithic pavements of standard quality and workmanship, in compliance with city ordinances. All work to be done in accordance with the requirements of the City Engineer; and the approaches of the subways shall be excavated to the grades established by this ordinance, and shall be in all other respects

Structural requirements.

SUBWAYS.

restored as nearly as may be to their former condition before being so excavated.

Second. If the railroad companies fail or neglect to repair and keep in condition the improvements as herein provided for, the City Engineer may, after giving thirty days' notice, have the work done and collect the expense thereof from the railroad company.

Improvements
to be kept
in good repair.

Third. Wherever the streets, the grades of which are changed, are already paved and provided with sidewalks, such paving and sidewalks shall be restored with the same material with which they were paved before the grade was disturbed by the railroads, at their expense.

Street grades
changed.

Fourth. Said company or companies shall pave the entire length and width of the roadway in such portions of the subways as are required to be constructed by the said railway and railroad companies or company, as is mentioned in this ordinance, except that such company or companies shall not be required to pave any part of the subways to be occupied by or adjacent to street railway tracks, which, by reason of existing laws or ordinances, it will be the duty of any street railway company or corporation to pave.

Paving
required.

Fifth. Any street railway company occupying any of the streets of the City of Memphis, crossed by the elevated railway of any of said companies shall, when and as the grade of such street shall be changed, as in this ordinance provided, at its own expense, without claim for damages, conform the grade of its tracks or track to the said change of grade of said street, and nothing in this ordinance shall operate or be held to relieve such street railway companies from any liability now existing, however created, to pave or bear the expense of paving, such streets between or on either side of the rails of its said tracks, in manner and form as now required.

Street car
tracks to
conform to
changed
grade, etc.

SUBWAYS.

Plans to be
submitted to
City Engi-
neer.

Sec. 9. At least ten (10) days prior to the commencement of any part of such work, the plans and specifications therefor shall be submitted to the City Engineer for his examination, and, if found to be in accordance with the provisions of this ordinance, insofar as this ordinance contains specific provisions, if they shall be satisfactory to the City Engineer in regard to matters and details, which, by this ordinance, are left to his discretion and judgment, such plans shall be approved by him, and, after such approval all of the work outlined and included therein shall be constructed in strict conformity therewith, and shall be done and performed under his superintendence and subject to his inspection, approval and acceptance.

Temporary
authority to
obstruct
streets, etc.

Sec. 10. Permission and authority are hereby given to said companies, whenever the same shall be necessary in the prosecution of the work they are herein authorized or required to perform, to obstruct temporarily any public street, avenue or alley to such extent and for such length of time as may be approved by the City Engineer; and they are also hereby authorized, whenever the same may become necessary, to erect and maintain temporary structures and false work in any of said streets and avenues during the construction of their said elevated railroads, subject to the like approval of the City Engineer.

When tracks
have been
elevated, old
ordinances
regulating
speed, flag-
men, etc.,
shall cease.

Sec. 11. When the said several railroads in Section 1 of this ordinance mentioned shall have elevated their respective tracks in accordance with this ordinance, so that the same shall be ready for use, then and thereupon all provisions of the ordinance of the City of Memphis relating to the speed of railway trains, the number of cars to constitute a train, the ringing of locomotive bells, the use of train or engine lights, the sounding of signals before starting trains and the maintenance of gates, flagmen, watchmen, signals and signal towers, shall cease to be applicable to said railroads within the limits in which the tracks are so raised or depressed. Whenever said railroads shall be

SUBWAYS.

elevated, depressed or walled in, or where the same is free from grade crossing, this ordinance shall be in force, as far as is now applicable; *provided, however*, this ordinance is not to be construed as a waiver or surrender by the City of Memphis of any of its police powers, or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to the matters last above enumerated.

After such elevation it shall be unlawful for any person or persons, save employes of said company, or either of them, in the discharge of their duties, to enter or be upon or to walk along or across the said elevated structure or roadway at any place. If any person shall willfully trespass upon said elevated roadway, such person, and all others aiding, abetting or assisting therein, shall be liable to a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50) for each and every offense.

Unlawful to walk along elevated tracks.

Sec. 12. In consideration of the construction of the subways and viaducts hereinbefore set out, the city undertakes and agrees that it will not, within ten (10) years hereafter, require, or attempt to require, said railway or railroad companies, at their expense, to build any additional or other subways than those in this ordinance provided for, between the following points:

No additional subways for ten years within territory.

Iowa avenue on the south, on the lines of the Illinois Central, the Yazoo & Mississippi Valley and the Chicago, St. Louis & New Orleans Railroad companies, and the Nashville, Chattanooga & St. Louis Railroad Company and its lessee, the Louisville & Nashville Railroad Company, to Calhoun street; on the north, covering the lines of the said companies, as they now exist, but not including Calhoun street; on Railroad avenue, between Florida avenue on the west and Porter street on the east.

Sec. 13. First. The work of constructing the subways and viaducts herein provided for shall be begun within ninety (90) days from final passage of this ordinance, and the subways and

Limitation of time to commence work and time of completion.

SUBWAYS.

viaducts on Railroad avenue shall be constructed so that two subways, or one subway and one viaduct, shall be completed within each twelve months after the final passage of this ordinance, and an equal number shall be constructed within the same time by the Illinois Central Railroad Company, the Yazoo & Mississippi Valley Railroad Company and the Chicago, St. Louis & New Orleans Railroad Company beneath their tracks, and the Nashville, Chattanooga & St. Louis Railway Company shall construct the subway beneath its tracks at Georgia avenue within one year.

To complete work at Rayburn and Mississippi avenue within one year.

Provided, That the railroad and railway companies above mentioned, having or leasing tracks on Railroad avenue shall construct and complete within the first year after the final passage of this ordinance the subway at the intersection of Rayburn boulevard and Railroad avenue, and the viaduct at the intersection of Mississippi boulevard and said Railroad avenue.

Second. The railway or railroad companies mentioned in this ordinance, that are required to elevate their roadbeds and tracks, shall fully and finally complete the work of elevation on or before the first day of January, 1912, unless prevented by strikes, riots or restrained by injunction or other order of process of a court of competent jurisdiction. The time during which said companies are prevented by strikes, riots, legal process, or by reason of obstruction of pipes, conduits, wires on property of private owners or individuals, or by reason of any delay on the part of the City of Memphis, or any of its officers, to perform the duties imposed upon the city and its officers by this ordinance, shall be added to the time during which said companies are required by the ordinance to complete said work; *provided*, that in a case where the said companies are delayed by legal process or proceeding, that they shall give notice to the City of Memphis, and the city shall have the right to intervene by its attorneys and move for a dissolution of the injunction.

SUBWAYS.

restraining order, or of other proper orders in such suits, and take steps to terminate the same.

Sec. 14. Each and every one of the companies required by this ordinance to elevate its tracks shall do its portion of the work in accordance with the terms hereof, in apt and proper time, so as not to interfere with the proper and orderly prosecution of such work as a whole. Should any company fail or neglect so to prosecute its work, the City Engineer shall have, and is hereby given, the right, power and authority to give ten (10) days' notice, in writing, to such delinquent company to prosecute its work. If such company shall fail or neglect to comply with said notice, the City of Memphis may take charge of and cause such work to be done, and the expense thereof shall be thereupon paid by such delinquent company.

Sec. 15. *Be it further ordained*, That in the construction of the subways and the viaducts herein provided to be constructed upon Broadway or Railroad avenue between Kentucky avenue on the west and Porter avenue on the east, that the viaducts and abutments of the subways, and the subways themselves, shall be constructed of a sufficient width to accommodate the seven railroad tracks already located upon Broadway, or Railroad avenue; and in addition, to accommodate, support and cross over tracks which may hereafter be laid upon the space belonging to the City of Memphis in said Broadway, or Railroad avenue.

Sec. 16. *Be it further ordained*, That the expense of the construction of the subways shall be borne as follows: In all instances where the street railway or interurban tracks occupy the streets to be crossed by the tracks of the commercial railroad companies, all the expense of the construction of abutments, of approaches, excavations, paving and the payment of incidental damages to property holders, resulting from injury

Each company to do its portion of the work promptly, etc.

Widths of subways and viaducts.

Expense of subways—how to be borne.

SUBWAYS.

to property by reason of the construction of such subways, shall be divided between the railroad companies, the City of Memphis and the street car companies, as follows:

The commercial railroad companies shall bear one portion of the expense for each track owned by them, which crosses such subway; the City of Memphis shall bear one portion for the space reserved by it on Broadway, or Railroad avenue, and the street railway company, or interurban company, shall bear one portion for each track owned by it, crossing beneath such subway. The respective commercial railroad companies shall provide their own girders and floor system for their tracks crossing such subways.

In the construction of viaducts over the tracks along Broadway, or Railroad avenue, the expenses of constructing approaches, abutments to viaducts, and the payment of incidental damages to property owners for damages done to the property abutting on said street, by reason of the construction of said viaduct, shall be paid for in the same proportion as hereinbefore provided for the payment of the expenses in the construction of subways upon Broadway, or Railroad avenue.

In all cases where the street railway company, or the interurban company, does not cross the track, or occupy the subways, or viaducts, they shall not be required to contribute to the expenses incurred relative to the viaducts or subways not occupied by them.

Sec. 17. *Be it further ordained,* That in the construction of the subway beneath the tracks of the Illinois Central, the Yazoo & Mississippi Valley and the Chicago, St. Louis & New Orleans Railroad Companies between Iowa avenue on the south and Calhoun avenue on the north, that the expense of constructing the abutments, the approaches, the paving of the subways, and the payment of incidental damages to the owners of abutting prop-

ERECTION AND MAINTENANCE OF POLES.

erty injured by the construction of the subway, the respective railroad companies shall pay one portion for each track crossing said subway, or viaduct, and the street railway company, or interurban company, where their tracks occupy the subways, shall pay one portion for each track so occupying the subway under the tracks of the said commercial railroad companies. Each railroad company shall provide its own girders and floor system for its tracks crossing such subways.

Sec. 18. *Be it further ordained*, That this ordinance go into effect from and after its passage, the public welfare requiring it.

Passed final reading Tuesday, August 3, 1909.

JAMES H. MALONE, Mayor.

Attest: ENNIS M. DOUGLASS, City Register.

AN ORDINANCE.

AN ORDINANCE To provide rules for the erection, resetting and maintenance of poles used for the stringing of wires of telephone, telegraph, electric light or power companies or street railway companies within the City of Memphis.

Section 1. *Be it ordained by the Legislative Council of the City of Memphis*, That the following rules shall obtain for the erection, repairing, replacing and maintenance of poles in the city of Memphis, which are used for the stringing of wires thereon:

(a) That after the passage of this ordinance no poles used for the stringing of wires of telephone, telegraph, electric light or power, or street railway companies, or any other concern using same, shall be erected or reset, or replaced, without permission from the Board of Fire and Police Commissioners.

(b) That in future all such poles shall be erected or reset or replaced under the rules of the joint pole construction as herein set forth. That whenever a new line of poles is to be erected, or

ERECTION AND MAINTENANCE OF POLES.

whenever by reason of street improvements, existing lines of poles are to be replaced, moved or reset, or whenever due to the dangerous condition by reason of age or deterioration, in which case the Board of Fire and Police Commissioners shall have power to order the same replaced, then any such pole or poles shall be constructed under the joint pole construction rules, provided that the Board of Fire and Police Commissioners shall have power and it shall be their duty to order such construction when in their judgment it shall be deemed advisable.

(c) That such joint pole construction shall consist of poles of ample size and length to carry the wires of two or more companies using the same street, and that the wires of the electric light and power companies when such poles are to be used by them, shall have their wires strung at the top sections of poles, and shall not come closer than three feet to any wire of telephone or telegraph companies or companies using wires carrying a current of low potential, and that the wires of the street railway companies using a voltage of not over 500 volts shall be located or strung at the lower section of poles not closer than three feet to wires of any other company using such poles.

(d) That whenever the Board of Fire and Police Commissioners shall decide that poles shall be erected under the joint pole construction, and that all companies concerned shall agree on the space necessary to carry their respective wires, and shall also agree as to pro rata of expense for the erection of such poles; that whenever they shall not be able to come to a conclusion, then the Board of Fire and Police Commissioners shall have power to decide such matters or to appoint an arbitration committee composed of as many members as they shall see fit, to settle and adjust all such disputed questions, and their report or finding shall be final.

(e) That whenever any company or companies shall fail to comply with the provisions of this ordinance, then the Board

ERECTION AND MAINTENANCE OF POLES.

of Fire and Police Commissioners shall have authority to remove, or have removed, any pole or poles which are permitted to exist after such improvements have been ordered, or which have been erected without having first secured the permission to do so, as provided above, provided that the Board shall first give written notice to the offending party, in which 30 days shall be allowed in which to do such work.

(f) That before any permission is given to erect any pole in the City of Memphis, or to reset or replace any pole or poles, that provision shall be made by reserving proper space and furnishing all cross-arms, pins and supports to carry all wires of the fire and police telegraph and telephone systems of the City of Memphis, and that such space shall be under the wires of the electric light and power companies, when used by such companies, and that there shall be reserved a space of not less than three feet above and below such wires of the City of Memphis, and that the wires of no other company shall approach such wires of the City of Memphis closer than three feet. That whenever any pole or poles are used exclusively for telephone or telegraph companies, then such space shall be reserved at the top of all such poles for the use of the wires of the City of Memphis.

(g) That the erection of all poles or pole lines, and the removal, resetting or replacement of all such poles shall be done under the supervision of the electrician of the Fire and Police Department, under the direction of the Board of Fire and Police Commissioners, and all permits for the erection, removal or replacement, or resetting of poles, shall be countersigned by the electrician of the Fire and Police Departments. That all space used for wires of the fire and police telegraph and telephone systems and reserved for the same on all poles erected, shall be done under the supervision and by direction of the electrician of the fire and police departments.

STREET IMPROVEMENT BONDS.

Sec. 2. *Be it further ordained*, That this ordinance take effect from and after its passage, the public welfare requiring it.

Passed final reading September 4, 1909.

JOHN T. WALSH, Acting Mayor.

Attest: ENNIS M. DOUGLASS, City Register.

AN ORDINANCE.

AN ORDINANCE To provide for the issuance of \$425,000.00 of street improvement bonds of the City of Memphis, under an act of the General Assembly of the State of Tennessee for 1909, Chapter 587, amending Chapter 11 of the Acts of 1879.

Section 1. *Be it ordained by the Legislative Council of the City of Memphis*, That under and by authority of the provisions of Chapter 587 of the Acts of the General Assembly of the State of Tennessee for the year 1909, amending Chapter 11 of the Acts of 1879, the City of Memphis will issue, and the Mayor and City Register of said city are hereby authorized to execute and deliver, \$425,000.00 in street improvement bonds, negotiable and payable to bearer, the same to be issued and the proceeds thereof to be used exclusively in the cost of the improvement of the streets of Memphis.

Sec. 2. *Be it further ordained*, That said bonds shall be issued in the denominations of \$1,000 each, dated the 1st day of August, 1909, bearing interest at the rate of $4\frac{1}{2}$ per cent. per annum, payable semi-annually on the 1st day of February and August of each and every year, and said bonds shall be signed by the Mayor and by the Register of the City of Memphis, and the interest coupons attached to said bonds shall bear the lithographed signature of the Mayor. All of said bonds shall mature and be due and payable on the 1st day of August, 1944, without option of prior payment; and said bonds and interest coupons shall be payable at the city hall in Memphis, Tenn., or, at the option of

STREET IMPROVEMENT BONDS.

the holder, at the United States Mortgage and Trust Company, in New York; and said bonds, both principal and interest, shall be payable in lawful money of the United States of America.

Sec. 3. *Be it further ordained*, That said bonds and coupons thereto attached shall be substantially in form as set forth in said Chapter 587 of the Acts of 1909, above referred to.

Sec. 4. *Be it further ordained*, That the Mayor of the City of Memphis shall cause said bonds and coupons to be properly lithographed, and said bonds shall all be signed by the Mayor and the City Register, and the corporate seal of the city shall be affixed thereto.

Sec. 5. *Be it further ordained*, That said bonds shall be sold at public sale, whereof due notice shall be given by advertisement in a daily paper published in Memphis, Tennessee, inviting sealed bids, which advertisement shall be published in the issues of Oct. 8th, 9th and 10th, 1909, of such paper.

The sealed bids shall be filed with the City Register not later than 12 o'clock, noon, of Oct. 11th, 1909. Said bonds shall not be sold below the par or face value thereof and accrued interest, and free from any sale commission or brokerage. The right to reject any and all bids shall be reserved.

Sec. 6. *Be it further ordained*, That the proceeds of said bonds shall be used for the sole and exclusive purpose of improving streets in the City of Memphis.

Sec. 7. *Be it further ordained*, That the full faith and credit of the City of Memphis is hereby pledged for the payment of the principal and interest of said bonds as the same respectively become due, and for the levy and collection of sufficient taxes for that purpose.

Sec. 8. *Be it further ordained*, That all ordinances or parts of ordinances in conflict with this ordinance be and the same are expressly repealed.

Sec. 9. *Be it further ordained*, That this ordinance take effect from and after its passage, the public welfare requiring it.

Passed final reading October 7, 1909.

STREET IMPROVEMENT BONDS.

AN ORDINANCE.

AN ORDINANCE Authorizing the issuance and sale of street improvement bonds of the City of Memphis, Series 2 of 1909, and providing means to pay not exceeding two-thirds of the estimated cost of certain street improvements, pursuant to Chapter 341 of the Acts of the General Assembly of the State of Tennessee of 1907, as amended by Chapter 109 of the Acts of 1909.

Section 1. *Be it ordained by the Legislative Council of the City of Memphis*, That it hereby estimates the cost of the various street improvements, hereinafter mentioned, the number of the ordinance being given, the name of the street improved and the points between which the improvements are made, as follows:

Ordinance No.	Street.	Estimated cost.
		Total.
51	Tucker street, between Union and Poplar avenues.	\$ 8,462.50
54	Mansfield street, between Harbert and Central avenues	4,657.50
55	Monroe avenue, between Lumpkin street and Goodwin property	2,995.50
56	S. Barksdale street, between Madison and Union avenues	3,031.85
57	James street, between McLemore and Trigg avenues	2,810.00
58	Nelson avenue, between Tanglewood and Cooper streets	2,141.95
59	Cowden avenue, between Tanglewood and Cooper streets	3,052.50
60	Overton Park avenue, between Waldran Boulevard and N. Montgomery street.....	6,912.00
62	Porter street, between Dixon and Williams streets	10,376.19
63	Mississippi Boulevard, between Iowa and Trigg avenues	38,343.52

STREETS TO BE IMPROVED.

Ordinance No.	Street.	Estimated cost. Total.
64	Alston avenue, between Driver and Porter streets	\$18,418.40
65	Walnut street, between Union and Dixon avenues	33,481.30
66	Polk avenue, between Lauderdale and Walnut streets	16,145.52
67	Lauderdale street, between Mississippi and Poplar avenues	89,397.00
68	Rayburn Boulevard, between Calhoun avenue and McLemore avenue	38,356.50
69	E. McLemore avenue, between Rayburn and Mississippi Boulevard	38,982.63
70	Beale avenue, between Orleans street and Walnut street	7,189.05
71	N. Main street, between Poplar avenue and Keel avenue	35,430.50
72	York avenue, between S. McLean and S. Barksdale streets	3,562.20
73	S. Lauderdale street, between Iowa avenue and E. McLemore avenue	12,248.83
74	Monroe avenue, between Waldran and Bellevue avenues	3,762.00
75	Edith avenue, between S. Third and S. Wellington streets	3,179.00
76	Union avenue, between Wellington and Marshall avenues	10,126.61
77	N. Manassas street, between Poplar and Jackson avenues	21,010.00
78	Somerville street, between Carr and Jefferson avenues	12,729.92
79	Watkins street, between Poplar and Peabody avenues	8,519.94
80	Dixon avenue, between Porter and Walnut streets	2,035.77
81	Peabody avenue, between LeMaster and McLean Boulevard	11,607.97

STREETS TO BE IMPROVED.

Ordinance No.	Street.	Estimated cost.	
			Total.
82	E. Cocke Place, between Rayburn and Latham street	\$	3,186.61
83	Seventh street, Jackson avenue to city limits....		37,099.48
84	Evergreen street, between Poplar and Summer avenues		6,901.18
86	Monroe avenue, between Claybrook and Cleveland avenues		1,838.60
87	Nelson avenue, between Roland and Tanglewood streets		14,579.40
88	Vesey avenue, between Rozelle street and Emmie street		3,376.78
89	Euclid avenue, between Lamar avenue and Em- mie avenue		6,285.48
90	Rozelle street, between Central and Lamar ave- nues		8,294.77
91	Kyle street, between Evelyn and Lamar avenues..		6,264.60
92	Lamar avenue, between Central avenue and city limits		59,329.05
93	N. Third street, between Poplar avenue and Ad- ams avenue		4,597.45
94	Pennsylvania street, between W. Georgia and W. Iowa avenues		5,075.68
95	Looney avenue, between Manassas and Decatur streets		5,679.85
96	S. Beach Place, between Saxon and Edith avenues		782.10
97	E. Glennwood Place, between Belvedere and prop- erty lying east of Anderson street.....		2,174.48
98	S. Third street, between Union and E. Georgia, avenues		27,286.88
99	Leath street, between Jackson and Keel avenues..		5,283.30
100	Washington street, between N. Front and N. Manassas streets		63,662.50
102	S. Rembert street, between Madison avenue and Union avenue		2,800.87

STREETS TO BE IMPROVED.

Ordinance No.	Street.	Estimated cost.	
		Total.	
103	N. and S. Waldran Boulevard, between Poplar and Union avenues	\$	20,856.00
104	E. McLemore avenue, between Mississippi and Rayner streets		44,431.00
105	S. Wellington street, between Vance and Mississippi avenues		10,527.00
106	Monroe avenue, between Orleans and S. Waldran Boulevard		11,773.50
107	Roland street, between Central and Lamar avenues		4,904.02
108	S. Orleans street, between Tate avenue and E. Railroad avenue		3,848.63
6	N. Montgomery street, from Bass to Poplar avenue		4,933.82
8	York avenue, between Roland and Rozelle streets		1,453.01
20	Merriwether avenue, between Waldran and Decatur avenues		2,781.11
21	N. Cochran Place, between Poplar and Merriwether avenues		1,877.37
23	Harbert avenue, between S. Willett and S. Belvedere Boulevard		2,884.76
25	Marks street, between Madison and point 390 feet north		1,334.80
28	Breedlove street, between Jackson and Vollentine avenues		12,254.00
29	Morrison street, between Madison and Union avenues		2,528.71
33	Polk avenue, between Neptune and East streets..		1,008.35
36	Vinton avenue, between Diana and S. Cooper streets		3,193.39
42	College street, between Walker and McLemore avenues		3,875.00
45	Court avenue, between N. Somerville and N. Waldran Boulevard		1,846.47

STREET IMPROVEMENT BONDS.

Ordinance No.	Street.	Estimated cost. Total.
47	Saxon avenue, between Neptune and College avenues	\$ 1,856.56
48	East street, between Grove and Southern railway	3,485.00
49	N. and S. Rembert street, between Union and Peabody avenues	2,551.71
50	S. Willett street, between Southern railway and city limits	5,581.00
52	Linden avenue, between Rembert and Cooper streets	4,564.78
53	Claybrook street, between Poplar and Peach avenues	4,573.00
Total estimated cost		\$872,399.30

Sec. 2. *Be it further ordained*, That under and by authority of the provisions of said Chapter 341 of the Acts of the General Assembly of the State of Tennessee for the year 1907, as amended by Chapter 109 of the Acts of 1909, the City of Memphis will issue and the Mayor and Register are hereby authorized to execute and deliver \$581,000.00 in street improvement bonds, which does not exceed two-thirds of the cost of said improvement; negotiable and payable to bearer, and same to be issued and the proceeds thereof to be used exclusively in the payment of the cost of the improvement of the streets last above referred to, and more particularly described in the ordinances hereinbefore recited.

Sec. 3. *Be it further ordained*, That said bonds shall be issued in denominations of \$1,000.00 each, and shall be dated the 1st day of August, 1909; one-fifth of said bonds shall mature in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years from their date, without option of prior redemption; they shall bear interest at the rate of 6 per cent. per annum, to be evidenced by attached coupons maturing semi-annually on the first days of February and August in each year; principal and interest thereon shall be payable

STREET IMPROVEMENT BONDS.

at the city hall in the City of Memphis, Tenn., or at the office of the United States Mortgage and Trust Company, in the city of New York, at the option of the holder.

Sec. 4. *Be it further ordained*, That the proceeds arising from the collection of assessments levied or to be levied for the improvements hereinbefore referred to, be and the same are hereby set apart as a fund, pledged for the payment of the principal and interest of said bonds, and the full faith and credit of the City of Memphis are hereby pledged for the payment of said principal and interest.

Sec. 5. *Be it further ordained*, That the form of said bonds and coupons shall be substantially as now set forth in said Chapter 109 of the Acts of 1909 of the General Assembly of the State of Tennessee.

Sec. 6. *Be it further ordained*, That the Mayor of the City of Memphis shall cause said bonds and coupons to be properly lithographed, and said bonds shall all be signed by the Mayor and the City Register, and the corporate seal of the City of Memphis shall be affixed thereto.

Sec. 7. *Be it further ordained*, That said bonds shall be sold at public sale, whereof due notice shall be given at least twenty days by and after inviting sealed bids by advertisement in a daily paper published in Memphis, Tenn., or the Mayor may, in his discretion, advertise said sale in some paper published in New York. Said bonds shall not be sold below the par or face value thereof, and accrued interest, and free from any sale commission or brokerage. The right to reject any and all bids shall be reserved.

WATER FURNISHED FREE TO ORPHAN ASYLUMS, ETC.

Sec. 8. *Be it further ordained*, That this ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed final reading September 9, 1909.

JOHN T. WALSH, Acting Mayor.

Attest: ENNIS M. DOUGLASS, City Register.

WATER DEPARTMENT.

Section 1. *Be it resolved by the Legislative Council of the City of Memphis*, That the Board of Water Commissioners is hereby empowered and directed to furnish to orphan asylums or other charitable institutions for the care of persons who are helpless either from infancy or old age, also the House of the Memphis Salvage Corps, such water supply as may be reasonably necessary, free of charge, and that the Water Department be instructed to act under the provisions of this resolution.

Adopted July 7, 1904. (Book F, page 350.)

CONTRACTS.

The following pages under "Contracts" embrace all contracts of an important and permanent nature entered into by the City of Memphis since the compilation of the Watkins' Digest of 1902.

All contracts in the Watkins' Digest are omitted in pursuance to a resolution adopted by the Council and set out in the introductory hereto, hence only memorandum references of such contracts are given.

A contract between the City and the Tennessee Midland Railroad Company, of date December 27, 1899, granting said Company trackage rights on Broadway, omitted from the Watkins' Digest, is herein inserted. Also, as the question of trackage rights on Broadway (or Railroad Avenue) is a matter frequently inquired into, I give herein memorandum references to various contracts affecting these rights. I also include a brief on the Law as to Subways, same having been prepared by Hon. James H. Malone, Mayor.

CONTRACTS.

MEMORANDUM AS TO TRACKS ON BROADWAY.

MEMPHIS & CHARLESTON RAILROAD (NOW SOUTHERN). KANSAS CITY COMPANIES.

On January 31, 1890, the city entered into a contract with the Memphis & Charleston Railroad Company and the Kansas City companies to the effect that it was to grant these two companies two tracks each on Broadway, comprising fifty feet in the middle of Broadway, and leaving twenty-five feet on each side of these fifty feet so granted these two railroads. (See Watkins' Digest, 1902, page 795.)

Memphis &
Charleston
Railroad (now
Southern).
Kansas City
Companies.

The Memphis & Charleston Railroad (now Southern) got the south twenty-five feet of the strip of ground.

UNION RAILWAY COMPANY.

On January 27, 1890, the city granted to the Union Railway Company one track over Broadway, being the extreme southern track, but, in making the grant, the Union Railway agreed to accept the terms and conditions imposed upon the Memphis & Charleston and Kansas City companies. (See Watkins' Digest, 1902, page 807.)

Union Rail-
way Co.

On November 6, 1890, the city granted to the Union Railway another track lying immediately north of the two first granted to it and adjacent to the southern track of the Memphis & Charleston track, and in this contract it likewise agreed to the conditions mentioned above. (See Watkins' Digest, page 816.)

In a third contract made between the city and the Union Railway Company (commonly called the Belt Line), in the form of an ordinance passed June 5, 1902, it is provided in Subsection

10, in part, as follows: " * * * but nothing herein shall be construed as an exclusion of the right and power of the City of Memphis to compel the Union Railway Company to raise its tracks over, and lower them under, the grade of any or all of the streets, alleys or highways crossed by the tracks of said company." (See Watkins' Digest, page 918.)

TENNESSEE MIDLAND RAILROAD COMPANY.

Tennessee
Midland
Railroad Co.

On December 27th, 1889, a contract was entered into by the Taxing District with the Tennessee Midland Railway Company granting it a single track on Broadway, from Fifth street, or Kansas avenue, to McGhee Station. This contract was omitted from the Walker Digest of 1898, also the Watkins Digest of 1902, hence I have included same in this volume. (See article 95, this Digest.)

THE LAW AS TO SUBWAYS.

In *Woodruff vs. Catlin*, 54 Conn., 295, it appeared the Connecticut Legislature ordered that an old street should be abandoned in Hartford and a new street should be laid out in lieu thereof, over which the railroad would run, and that the grades should be separated at the joint expense of the city and the road. It was held the Legislature might have compelled either to pay the whole cost of the change.

In *New York, etc., appeal*, 58 Conn., 532, it appears the Legislature of Connecticut ordered that the Railroad Commission should change a highway where it crossed at grade by a railroad, the cost to be borne jointly, but the town was in no event to pay more than one-fourth the entire cost of the change. The railroad contested the case upon the ground that the order providing that the city should pay only one-fourth the cost was arbitrary and void, but the court said the Legislature might have compelled the Board to bear the whole expense.

In *Wheeler vs. New York, etc.*, 178 U. S., 321-24, decided in 1900, those two Connecticut cases were quoted from and ap-

proved by the United States Supreme Court as laying down the rule that it was competent to compel the roads to pay all the cost of the improvement.

In New York, etc., vs. Bristol, 151 U. S., 255, and decided in 1894, it appeared that a Connecticut act of the Legislature provided a general scheme for separating grades at highway crossings throughout the State, and how the cost thereof should be borne.

If a town petitioned for the change, then it was to pay a part of the expense; if a railroad petitioned for the change, then it must pay all the expense.

However, it was further provided that the roads must, at their own expense, build at least one subway for each sixty miles of its track, and in case the directors of a road failed to apply to the Railroad Commission for that purpose, then the Commission could order the road to build the subways at its own expense.

The New York & New England Railroad Company resisted the Railroad Commission when it sought to enforce this statute, but the United States Supreme Court held that the law was valid, and that the imposition upon the railroad corporation of the entire expense of a change of grade at a highway crossing was in every way valid and constitutional.

In the recent 1896 case of Chicago, etc., vs. Chicago, 166 U. S., 255, it became necessary to extend a street in the City of Chicago so as to cross a railroad track, and in a condemnation proceeding commenced by the city, one dollar only was allowed the railroad for a right of way over its tracks, and the road fought the case through all the courts to the United States Supreme Court. It was claimed that as only one dollar was awarded, this was the same as taking property without compensation, especially as that as soon as the street was opened the railroad

would be compelled to plank up its road, erect grades, and go to the expense of keeping a flagman there, etc. But the United States Supreme Court said: "The expense that will be incurred by the railroad in erecting gates, planking crossings and maintaining flagmen in order that its road may be safely operated—if all that should be required—necessarily resulted from the maintenance of the public highway, and must be deemed to have been taken into account when it accepted the privileges and franchises granted by the State. Such expenses must be regarded as incidental to the exercise of the police powers of the State." This language has been quoted with approval by the Supreme Court of Tennessee in the case of *Harriman vs. Railroad*, 111 Tenn., 538-51.

In Abbott's "Municipal Corporations," Volume 3, page 2045, it is said:

"The existence of a railroad for well known reasons and already stated on or across a public highway, is a constant menace to life and property because of the size and weight of trains and the speed at which they are operated, and the resulting condition of lack of quick and effective control. In many cases, it might be said to be the universal rule, because of these and other reasons, that railroads have been required to construct and maintain overhead or underground crossings. The performance of this duty was strongly contested for many years by railroad corporations. Their occupation of a highway is not regarded as a legitimate use of the highway. The duty to construct a bridge or an underground crossing to be enforceable by the State or a municipal corporation need not be included, necessarily, in the grant of the authority to occupy or use a highway. Under the police power, if no other, these facilities can be required and their cost of construction must be paid exclusively by the railroad corporation."

The authority to abolish grade crossings is not, of course, an unlimited one. The city could not compel the building of sub-

ways where the travel and danger to life and limb would not justify such a procedure. But I think all the subways contemplated under Broadway and in the vicinity of the present so-called union depot, are absolutely necessary, and that the city has the authority to have them constructed.—Compiler's Note.

ARTICLE 95.

TENNESSEE MIDLAND RAILWAY COMPANY.

Articles of agreement made and entered into this the 27th day of December, 1889, by and between the Taxing District of Shelby County, Tennessee, party of the first part, and the Tennessee Midland Railway Company, a railway company incorporated under the laws of the State of Tennessee, and having one of its termini in said District, party of the second part, witnesseth:

That the party of the first part, for the consideration hereinafter mentioned, and upon the application and petition of said party of the second part on file in the records of the Taxing District office, hereby conveys and grants to said party of the second part the right to build, maintain and operate with steam power a single track railroad along and over the strip of ground known as Broadway, beginning at Fifth street, or Kansas avenue, in said Taxing District, and running on the line hereinafter designated on and over Broadway to the south side of the right of way of the Memphis & Charleston Railroad Company, at or near McGhee's Station, in Shelby County, Tennessee.

Track on Broadway, from Fifth street to McGhee's Station.

Said track shall be so located and constructed that its center line shall be a line drawn thirty-one and one-quarter ($31\frac{1}{4}$) feet north of and parallel with the center of Broadway, and run as aforesaid from Fifth street, or Kansas avenue, to a point on the south side of the right of way of the Memphis & Charleston Railroad Company, at or near McGhee's Station. Location.

It is understood and agreed by both parties hereto that, because of the encroachments upon Broadway by abutting owners

or occupants, especially east of the north gate of Elmwood Cemetery, it may not be practicable for the party of the second part to locate, construct and operate its track upon the exact line herein prescribed, and it is further understood and agreed that said second party has read and knows all the terms and provisions of the draft of a contract prepared for execution between the Taxing District on the one side and the Memphis & Charleston and the Kansas City companies on the other side, respecting Broadway, by which contract, when consummated, said companies accept the center fifty feet of Broadway from Main street to McGhee Station in compromise of their claim of title to Broadway, releasing to said Taxing District strips twenty-five feet in width on the north and south sides of Broadway.

Accepts grant
subject to
contract con-
templated.

And the said second party hereto accepts this grant subject to all the provisions of said contemplated contract, it being expressly understood and agreed that the execution of this contract is in no manner to interfere with or affect the power of the Taxing District to make such settlement of its differences with said railroad companies as it may deem proper, but this grant is to be protected in such settlement as far as it can be done consistently with the public interests as involved in or affected by such settlement.

Encroach-
ments upon
Broadway.

And it is also further understood and agreed that whenever, by reason of encroachments upon Broadway and the consequent impracticability on the part of said second party to occupy the exact strip hereinbefore granted to it, the said second party may maintain and operate under this grant a track, the center of which shall be located as nearly as possible twelve and one-half ($12\frac{1}{2}$) feet north from the center of the north track of the Memphis & Charleston Railroad Company, as fixed by said contemplated contract between the Taxing District and said Memphis & Charleston and Kansas City companies.

Switching
charges.

It is further understood and agreed that all the limitations as to switching, and the charges therefor, set out in said con-

templated contract between the Taxing District and said Memphis & Charleston and Kansas City companies are imposed upon and accepted by said party of the second part; and, further, that said party of the second part accepts this grant subject in all respects to the provisions of said contemplated contract between the Taxing District and the Memphis & Charleston and Kansas City companies, so far as the same are applicable to an incoming road.

It is further understood and agreed that the party of the second part shall have the right to lay cross tracks on Broadway to reach any points on the north or south side of Broadway between Fifth street, or Kansas avenue, and the eastern terminus thereof at McGhee's Station, inside or outside of said Taxing District, and shall do switching upon the demand of any other road occupying Broadway without discrimination upon said tracks and the attendant spurs or side tracks, to mills, compresses, business or other manufacturing establishments, and shall not charge exceeding two dollars (\$2.00) per loaded car for switching, empty cars to be switched free in one direction. And said party of the second part shall not refuse to switch the cars of any other road occupying Broadway from its switches or spurs, nor subject them to any unreasonable delays in switching. Such crossings shall not interfere with the switches laid previously to the laying of such cross-over tracks, and they shall be laid under the supervision and to the satisfaction of the superintendents of the companies whose tracks are crossed. The above charge of not exceeding two dollars per car for switching loaded cars shall apply only to sidings and spur tracks not exceeding one-quarter of a mile in length from either boundary of Broadway.

Not to
discriminate
in charges.

Charges.

Said party of the second part having crossings and spur tracks as aforesaid shall not charge switching fees for delivering freight which comes in over its own road upon above mentioned crossings or spur tracks.

When not
to charge.

Right to
connect with
other tracks.

And the said party of the second part shall have the right to make connections with the tracks of any railroad now laid, or hereafter to be laid, on Broadway or crossing Broadway; but the location of any such connecting track or tracks which cross the north or south line of Broadway, the paving required, and the manner of constructing such connections shall be subject to the control of the Legislative Council of the Taxing District. But nothing in this contract shall operate to prevent said Legislative Council from making like conditions and grants to any other railroad company now occupying, or which may hereafter occupy, Broadway or any part thereof.

Uncondi-
tional grant.

It is further understood and agreed that the grant here made to the party of the second part by the party of the first part is a present and unconditional grant, not dependent for its taking effect upon the consummation of the said contemplated contract between the Taxing District and the Memphis & Charleston and Kansas City companies, but in order that the said contemplated contract may be read in connection with this grant a copy thereof is hereto attached, referred to and marked Exhibit "A."

This grant by the party of the first part to the party of the second part is made upon the following considerations, to-wit:

Conditions
of grant.

The said party of the second part, upon the execution and delivery of this instrument, pays in cash to the party of the first part, the receipt of which is hereby acknowledged, the sum of twenty-five hundred dollars (\$2,500), and assumes to pay the law firm of Turley & Wright the further sum of two thousand dollars (\$2,000) on account of professional services rendered by them under employment by the Taxing District, in the litigation between said District and the Memphis & Charleston and Kansas City companies over the title to Broadway. This sum of two thousand dollars to be payable when the said party of the second part is put in possession of the right of way over

Broadway above granted, and upon the termination of the litigation between the Taxing District and the said Memphis & Charleston and Kansas City companies, the said Turley & Wright having agreed to look alone to the second party hereto for payment thereof.

It is understood and agreed that the Taxing District makes this grant without any warranty whatever, granting to the second party just such rights as it, the said Taxing District, has power to grant, and the said second party assumes all the risks of the power of said first party to make said grant.

And the said second party further agrees to indemnify and hold harmless the said first party against any and all claims whatsoever, whether direct or indirect, arising out of, or occasioned by, this grant or by the exercise by it of the rights and privileges herein conferred upon it.

Damages.
City held
harmless.

It is further understood and agreed that the said party of the first part reserves and retains all its proper police powers over said track and the operation thereof, and that this grant is accepted subject to all lawful ordinances of the Taxing District now in force, or that may hereafter be enacted.

Police power.

The obligations of this contract shall be binding upon, and its benefits shall inure to the successors and assigns of the parties hereto, respectively.

Executed in duplicate this the 27th day of December, 1889.

DAVID P. HADDEN,
JAMES LEE, JR.,
Fire and Police Commissioners.

Approved:

JOHN E. RANDLE,
SAMUEL HIRSCH,
CHARLES KNEY,
T. J. GRAHAM,

Board of Public Works.

(Seal Tenn. Mid. Ry.)

TENNESSEE MIDLAND RAILROAD CO.,

By JOHN OVERTON, JR., President.

Attest: RO. L. TRAYLOR, Secretary.

ARTICLE 96.

CHOCTAW, OKLAHOMA & GULF RAILROAD COMPANY.

This contract, made and executed in duplicate on the day of March, 1904, by and between the City of Memphis, Shelby County, Tennessee, party of the first part, and hereinafter called the city, and the Choctaw, Oklahoma & Gulf Railroad Company, a corporation chartered under the laws of the United States, hereinafter called the railroad company, party of the second part, witnesseth:

Transfer of
lease to the
C., O. & G.
R. R. ratified.

That, whereas, by a written lease of date August 3d, 1899, the City of Memphis leased to the Choctaw & Memphis Railroad Company, for a period of fifty years from the date of said lease, the lots and parcels of ground situated in the City of Memphis, and bounded and described as follows, to-wit:

Preamble.

First. The lot and parcel of ground bounded on the north by the tracks of the Southern Railway, running from Washington street in a northwesternly direction across the tracks of the Illinois Central Railway, in Promenade street; on the east by the west line of Front street; on the south by the north line of Adams street, and on the west by the right of way of the Illinois Central Railroad Company, in Promenade street, excepting that part of Washington street included within these boundaries. This lot is hereinafter designated as Lot No. 1.

Second. The lot bounded on the north by the south side of Adams street; on the east by the west line of Front street; on the south by the north line of Jefferson street; and on the west by the right of way of the Illinois Central Railroad Company, in Promenade street. This lot is hereinafter designated as Lot No. 2.

Said lease also granted to said railroad company the privilege of laying four tracks across Washington street and across Adams street, from Lot 1 to Lot 2, and the privilege of running its trains

and engines across Washington and Adams streets at the points aforesaid into and across said two lots.

And, whereas, the said lease contained various stipulations and provisions to be performed and carried out by the Choctaw & Memphis Railroad Company;

And, whereas, the third clause of said lease provides as follows:

"Third. Said railroad company (meaning the Choctaw & Memphis Railroad Company) shall not sell, transfer, lease or in any wise dispose of this lease, or any of the premises leased, or privileges acquired hereunder, it being agreed that this lease and the provisions granted and given to the Choctaw & Memphis Railroad Company is a contract and grant personal to said company, and no other corporation, firm or person shall operate any cars or engines over the lots or streets above described under any purchase, lease, traffic arrangement, license or contract of any character; except it may lease same to the Choctaw, Oklahoma & Gulf Railroad Company along with rest and residue of its properties, so as to form a continuous line from Memphis west over said railroads."

And, whereas, the twelfth clause of said lease provides as follows:

"It is further stipulated and agreed by the railroad company (meaning the Choctaw & Memphis Railroad Company) that any assignment or transfer of said lease to the Choctaw, Oklahoma & Gulf Railroad Company shall be made expressly subject to all of the terms and conditions of this lease, and said Choctaw, Oklahoma & Gulf Railroad Company shall, within sixty days from this date, file with the city its written stipulation, executed by its proper officers, obligating and binding itself to carry out and perform all the provisions of said lease."

And, whereas, on the 27th day of September, 1899, the said Choctaw, Oklahoma & Gulf Railroad Company entered into a

stipulation with the City of Memphis, which legally fulfilled the requirements and followed the provisions of said twelfth clause of said original lease, which stipulation is found on pages 747 to 749, inclusive, of the City Digest of 1902, which is now referred to and made a part of this contract.

Said original lease is now referred to and made a part of this contract, just as if it were set out herein in full, and also said stipulation is referred to and made a part of this contract, just as if it were set out herein in full; and,

Whereas, subsequent to the execution of said original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, of date August 3d, 1899, and also subsequent to the execution of the stipulation entered into on behalf of the Choctaw, Oklahoma & Gulf Railroad Company, by its proper officers, with the City of Memphis of date September 27th, 1899; and,

Whereas, the said Choctaw & Memphis Railroad Company, on the 30th day of June, 1900, did legally transfer and assign to the Choctaw, Oklahoma & Gulf Railroad Company all its property, rights, provisions and terms obtained in said lease with the City of Memphis; and,

Whereas, the Choctaw, Oklahoma & Gulf Railroad Company, on the 24th day of March, 1904, did transfer, lease and assign to the Chicago, Rock Island & Pacific Railway Company all of its property, rights, provisions and terms obtained in said original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, of date August 3d, 1899, which, as above stated, has been legally assigned to it, the Choctaw, Oklahoma & Gulf Railroad Company; and,

Whereas, it is considered for the best interests of the parties to this contract, and for and in consideration of the terms, provisions and conditions set forth in the original lease and stipulation, above mentioned, it is now further agreed and stipulated

by and between the City of Memphis, party of the first part, and the Choctaw, Oklahoma & Gulf Railroad Company, party of the second part, that the said lease by the Choctaw, Oklahoma & Gulf Railroad Company to the Chicago, Rock Island & Pacific Railway Company is in all things ratified, affirmed and approved as fully and in the same manner as if the permission and consent of the City of Memphis had been granted to the Choctaw, Oklahoma & Gulf Railroad Company to transfer and assign the said above mentioned lease to the Chicago, Rock Island & Pacific Railway Company before the actual execution of the same, upon the hereinafter stipulation and agreement by the Choctaw, Oklahoma & Gulf Railroad Company, viz.:

"It is further stipulated and agreed by the Choctaw, Oklahoma & Gulf Railroad Company that this assignment or transfer of this lease to the Chicago, Rock Island & Pacific Railway Company, which was executed on the 24th day of March, 1904, shall be, and has been, made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company, and the Chicago, Rock Island & Pacific Railway Company shall, within sixty days from this date, file with the city its written stipulation, executed by its proper officers, binding itself to carry out and perform all of the provisions of the original lease, above mentioned, between the City of Memphis and the Choctaw & Memphis Railroad Company, which lease has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company, it being the intention of the agreement of the parties hereto that the assignment, lease or transfer of this lease to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company."

II.

And, whereas, by a written lease of date the 30th day of August, 1899, by and between the City of Memphis, Shelby County, and the Choctaw & Memphis Railroad Company, a corporation chartered under the laws of the State of Arkansas, the City of Memphis leased to the Choctaw & Memphis Railroad Company, for a period of fifty years from the date of said lease, the lots and parcels of ground situated in the City of Memphis, and located and described as follows, to-wit:

"That lot or parcel of ground embraced in the lease from the Taxing District of Shelby County, Tennessee, to the Memphis Grain & Elevator Company, more particularly described as follows:

"First. Lying and being in said Shelby County, Tennessee, City of Memphis, and being nine feet west of the center of Promenade street, where the same intersects with the south line of Poplar street, thence south on a line nine feet west of the center of Promenade street, if extended, to a point opposite the southeast corner of Lot No. 95 of the Batture Addition to the City of Memphis; thence west to the southeast corner of said Lot No. 95; thence north with the east line of said Lot No. 95 to the south line of Washington street; thence west with the south line of Washington street, if extended, to a point 600 feet from the line nine feet west of the center of Promenade street; thence north on a line, which line is at all points 600 feet west from the line nine feet west of the center of Promenade street, to the south line of Poplar street, if extended; thence east with said south line of Poplar street to a point nine feet west of the center of Promenade street, the beginning, including therein what is known as Center Landing."

Second. The right of way on and over Fulton street, in the City of Memphis, as follows, to-wit:

"The privilege of laying and operating one railroad track from a point where its present incline tracks enter Fulton street, along and over said Fulton street; also the privilege of laying and operating two tracks from said Market street south along and over said Fulton street to and across Poplar street, in said city, into the above described premises demised by said lease, so as to enable the second party to have ingress and egress to and from said leased premises; said railroad company contemplating the purchase of the lot of ground lying on the northeast corner of Fulton and Poplar street is given the right, in the event the purchase shall be made, for the period of the extension of said lease, to cross Poplar street with four tracks, in addition to the two above enumerated from the property it contemplates purchasing on the north side of Poplar street to its ground as above described on the south side of Poplar street, said grant is also to be for the period of fifty years from this date."

And, whereas, said lease contains various and sundry stipulations and provisions to be performed and carried out by Choctaw & Memphis Railroad Company, and, whereas, the third clause of said lease provides as follows, to-wit:

"The said railroad company shall not sell, transfer or lease, or in any wise dispose of this lease, or any of the premises leased, or privileges acquired thereunder, it being agreed that this lease and the privileges granted are granted and given to the Choctaw & Memphis Railroad Company as a contract and grant personal to said company, and no other corporation, firm or person shall operate any cars or engines over the lots and streets above described under any purchase, lease, traffic arrangement or license, or contract of any character, except it may lease the same to the Choctaw, Oklahoma & Gulf Railroad Company along with the rest and residue of its properties, so as to form a continuous line from Memphis west over both said railroads."

And, whereas, the tenth clause of said lease is as follows, to-wit:

"It is further stipulated and agreed by the Railroad Company that the assignment or transfer of this lease to the Choctaw, Oklahoma & Gulf Railroad Company shall be made expressly subject to all of the terms and provisions of this lease, and the Choctaw, Oklahoma & Gulf Railroad Company shall, within sixty days from this date, file with the City of Memphis its written stipulation, executed by its proper officers, obligating and binding itself to carry out and perform all of the provisions of this lease."

Said original lease executed between the City of Memphis and the Choctaw & Memphis Railroad Company, of date August 30th, 1899, and found in the Digest of the City of Memphis, 1902, pages 731 to 740, is referred to and made a part of this contract, just as if it were stated herein in full.

And, whereas, the said Choctaw, Oklahoma & Gulf Railroad Company did execute and file with the city its written stipulation, executed by its proper officers, obligating and binding itself to carry out and perform all of the provisions of the above-mentioned lease.

And, whereas, at a day subsequent to the execution of the original lease above referred to, and to the stipulation above referred to, the said Choctaw & Memphis Railroad Company, of date the 30th day of August, 1899, did transfer and assign to the Choctaw, Oklahoma & Gulf Railroad Company, for a valuable consideration, the above mentioned lease.

Said original lease is now referred to and made a part of this contract, just as if it was set out herein in full, and also said stipulation is referred to and made a part of this contract, just as if it were set out herein in full; and,

Whereas, subsequent to the execution of said original lease between the City of Memphis and the Choctaw & Memphis Rail-

road Company, of date August 30th, 1899, and also subsequent to the execution of the stipulation entered into on behalf of the Choctaw, Oklahoma & Gulf Railroad Company by its proper officers with the City of Memphis; and,

Whereas, the said Choctaw & Memphis Railroad Company, on the 30th day of June, 1900, did legally transfer and assign to the Choctaw, Oklahoma & Gulf Railroad Company all of its property rights, provisions and terms contained in said lease with the City of Memphis; and,

Whereas, the Choctaw, Oklahoma & Gulf Railroad Company, on the 24th day of March, 1904, did transfer, lease and assign to the Chicago, Rock Island & Pacific Railway Company all of its property, rights, provisions and terms obtained in said original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, of date August 30th, 1899, which, as above stated, had been legally assigned to it, the Choctaw, Oklahoma & Gulf Railroad Company; and,

Whereas, it is considered for the best interests of the parties to this contract and for and in consideration of the terms, provisions and conditions set forth in the original lease and stipulation, above mentioned, it is now further agreed and stipulated by and between the City of Memphis, party of the first part, and the Choctaw, Oklahoma & Gulf Railroad Company, party of the second part, that the said lease by the Choctaw, Oklahoma & Gulf Railroad Company to the Chicago, Rock Island & Pacific Railway Company is in all things ratified, affirmed and approved as fully and in the same manner as if the permission and consent of the City of Memphis had been given to the Choctaw, Oklahoma & Gulf Railroad Company to transfer and assign the said above mentioned lease to the Chicago, Rock Island & Pacific Railway Company before the actual execution of the same, upon the hereinafter stipulation and agreement by the Choctaw, Oklahoma & Gulf Railroad Company, viz.:

It is further stipulated and agreed by the Choctaw, Oklahoma & Gulf Railroad Company that this assignment or transfer to the Chicago, Rock Island & Pacific Railway Company, which was executed on the 24th day of March, 1904, shall be, and has been, made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company, and the Chicago, Rock Island & Pacific Railway Company, shall, within sixty days from this date, file with the city its written stipulation, executed by its proper officers, binding itself to carry out and perform all of the provisions of the original lease, above mentioned, between the City of Memphis and the Choctaw & Memphis Railroad Company, which lease has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company; it being the intention of the agreement of the parties hereto that the assignment, lease or transfer of this lease to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company.

III.

And, whereas, on October 12th, 1900, the City of Memphis granted to the Choctaw & Memphis Railroad Company the right of way for the laying of a railroad track over certain public property and streets belonging to the City of Memphis; and,

Whereas, the Choctaw, Oklahoma & Gulf Railroad Company legally succeeded to all of the rights possessed by the Choctaw & Memphis Railroad Company in this above mentioned right of way together with all of the property and rights therein; and,

Whereas, on the 24th day of March, 1904, the Choctaw, Oklahoma & Gulf Railroad Company did transfer, lease and assign to the Chicago, Rock Island & Pacific Railway Company all of its property rights, provisions and terms contained in the said grant of right of way immediately above mentioned of date October 12th, 1900; and,

Whereas, it is considered for the best interest of the parties to this contract and for and in consideration of the terms, provisions and conditions set forth in the original lease and stipulation above mentioned, it is now further agreed and stipulated by and between the City of Memphis, party of the first part, and the Choctaw, Oklahoma & Gulf Railroad Company, party of the second part, that the said lease by the Choctaw, Oklahoma & Gulf Railroad Company is in all things ratified, affirmed and approved as fully and in the same manner as if the permission and consent of the City of Memphis had been given to the Choctaw, Oklahoma & Gulf Railroad Company to transfer and assign the said above mentioned right of way to the Chicago, Rock Island & Pacific Railway Company before the actual execution of same, upon the hereinafter stipulation and agreement by the Choctaw, Oklahoma & Gulf Railroad Company, viz.:

Lease by the
Choctaw, Ok-
lahoma &
Gulf Ry. Co.
ratified.

"It is further stipulated and agreed by the Choctaw, Oklahoma & Gulf Railroad Company that this assignment or transfer of this right of way to the Chicago, Rock Island & Pacific Railway Company, which was executed on the 24th day of March, 1904, shall be, and has been made, expressly subject to all of the terms and provisions of the original grant of right of way between the City of Memphis and the Choctaw & Memphis Railroad Company of date October 12th, 1900, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company, and the Chicago, Rock Island & Pacific Railway Company shall, within sixty days from this date, file with the City of Memphis its written stipulation, executed by its proper officers, binding

itself to carry out and perform all of the provisions of the original grant of right of way above mentioned, it being the intention of the agreement of the parties hereto that the assignment, lease or transfer of this right of way to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original grant of right of way by the City of Memphis to the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company.

Said grant is found on pages No. 439 to 440, inclusive, Record Book E of the Legislative Council, to which reference is made, and which original grant is hereby made a part of this contract, just as if it were set out herein in full.

It is further agreed and stipulated that, should any conflict appear in the contract, as here drafted, and the original contracts or grants, the originals shall be accepted as authority and bind the contracting parties.

Executed in duplicate the day and year above written.

J. J. WILLIAMS,
B. R. HENDERSON,
JOHN T. WALSH,

Board of Fire and Police Commissioners.

G. M. TIDWELL,
E. B. LEMASTER,
D. GENSBURGER,
THOMAS DIES,
GEORGE C. LOVE,
A. B. CARRUTHERS,
ED. F. GRACE,

Board of Supervisors of Public Works.

CHOCTAW, OKLAHOMA & GULF RAILROAD CO.,

By ROBERT MATHES, Vice-President.

(Seal C., Okla. & G. R. R. Co.)

G. T. BOGGE, Assistant Secretary.

ARTICLE 97.

LEASE TO THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY
RATIFIED.

THIS STIPULATION, executed this the 23rd day of May, 1904, by the Chicago, Rock Island & Pacific Railway Company:

WITNESSETH: That whereas, by certain written leases of Preamble. date—one of August 3rd, 1899, and the other of August 30th, 1899, the City of Memphis leased to the Choctaw & Memphis Railroad Company for a period of fifty years from the dates of said leases the lots and parcels of land as therein set forth, together with the right of way over certain streets in the City of Memphis, and over certain public property belonging to the said City of Memphis, which leases are to be found—that of August 3rd, 1899, on pages 740 to 746, inclusive, of the Digest of the City of Memphis for the year 1902, and the lease of August 30th, 1899, is to be found on pages 731 to 740, inclusive, of the said City Digest for the year 1902.

Said original leases are now referred to, and made a part of this stipulation, just as if they were set out herein in full; and,

Whereas, said lease contained various and sundry stipulations and provisions to be performed and carried out by the Choctaw & Memphis Railroad Company; and,

Whereas, the Twelfth clause of the lease of August the 3rd, 1899, is set forth as follows:

“And it is further stipulated and agreed by the railroad company (meaning the Choctaw & Memphis Railroad Company), that any assignment or transfer of this lease to the Choctaw, Oklahoma & Gulf Railroad Company shall be made expressly subject to all of the terms and provisions of this lease and the Choctaw, Oklahoma & Gulf Railroad Company shall within sixty days from this date file with the City of Memphis its written stipulation executed by the proper officers, obligating and binding

itself to carry out and perform all of the provisions of this lease"; and,

Whereas, by the Tenth clause of the lease of August 30th, 1899, as above set forth, it is provided as follows:

"It is further stipulated and agreed by the railroad company, (meaning the Choctaw & Memphis Railroad Company), that any assignment or transfer of this lease to the Choctaw, Oklahoma & Gulf Railroad Company shall be made expressly subject to all of the terms and provisions of this lease; and said Choctaw, Oklahoma & Gulf Railroad Company shall within sixty days from this date file with the city its written stipulation executed by its proper officers, obligating and binding itself to carry out and perform all of the terms and provisions of this lease"; and

Whereas, on a day subsequent to the execution of said leases between the City of Memphis and the Choctaw & Memphis Railroad Company of dates August 3rd, 1899, and August 30th, 1899, the said Choctaw & Memphis Railroad Company, with the consent of the City of Memphis and following strictly the provisions of the above mentioned leases and also subsequent to the execution of the further stipulations entered into on behalf of the Choctaw, Oklahoma & Gulf Railroad Company in pursuance of, and following the provisions of said above mentioned leases, did legally transfer and assign on the 30th day of June, 1900, to the Choctaw, Oklahoma & Gulf Railroad Company all of its property rights, provisions and terms contained in said above mentioned leases with the City of Memphis; and,

Whereas, the Choctaw, Oklahoma & Gulf Railroad Company on the 24th day of March, 1904, did transfer, lease and assign to the Chicago, Rock Island & Pacific Railway Company all of its property rights, provisions and terms obtained under said original leases between the City of Memphis and the Choctaw & Memphis Railroad Company of dates August 3rd, 1899, and

August 30th, 1899, which, as above stated, had been legally assigned to it, the Choctaw, Oklahoma & Gulf Railroad Company; and,

Whereas, on the 30th day of March, 1904, the City of Memphis did enter into a written contract with the Choctaw, Oklahoma & Gulf Railroad Company ratifying, affirming and approving the transfer, lease and assignment of all of its property rights, interests and franchises in and under the above mentioned leases between the City of Memphis and the Choctaw & Memphis Railroad Company of dates August 3rd, 1899, and August 30th, 1899, which had been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company, unto the Chicago, Rock Island & Pacific Railway Company; and,

Whereas, in the said above mentioned contract of March 30th, 1904, entered into between the City of Memphis and the Choctaw, Oklahoma & Gulf Railroad Company, and under Section 1 thereof, it is provided as follows:

“And the Chicago, Rock Island & Pacific Railway Company shall within sixty days from this date file with the city (meaning the City of Memphis), its written stipulation executed by its proper officers, binding itself to carry out and perform all of the provisions in the original lease above mentioned between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company (meaning the lease of August 3rd, 1899). It being the intention of the agreement of the parties hereto that the assignment, lease and transfer of this lease to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company; and,

Whereas, it is further provided in the said above mentioned contract of March 30th, 1904, between the City of Memphis and the Choctaw, Oklahoma & Gulf Railroad Company, under Section 11 thereof, as follows:

“And it is further stipulated and agreed by the Choctaw, Oklahoma & Gulf Railroad Company that this assignment, or transfer to the Chicago, Rock Island & Pacific Railway Company, which was executed on the 24th day of March, 1904, shall be, and has been, made expressly subject to all of the terms and provisions of the original lease (meaning the lease of August 30th, 1899), between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company; and the Chicago, Rock Island & Pacific Railway Company shall within sixty days from this date file with the city its written stipulation executed by its proper officers, binding itself to carry out and perform all of the provisions of the original lease above mentioned between the City of Memphis and the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma and Gulf Railroad Company. It being the intention of the agreement of the parties hereto that the lease or transfer of this lease to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original lease between the City of Memphis and the Choctaw & Memphis Railroad Company (meaning the lease of August 30th, 1899, which has been above set forth), which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company; and,

Whereas, by the contract entered into between the City of Memphis and the Choctaw, Oklahoma & Gulf Railroad Company of March 30th, 1904, and under the third section thereof, it is stipulated as follows:

“And whereas, on October 12th, 1900, the City of Memphis granted to the Choctaw & Memphis Railroad Company the right

of way for the laying of a railroad track over certain public property and streets belonging to the City of Memphis"; and

Whereas, the Choctaw, Oklahoma & Gulf Railroad Company legally succeeded to all of the rights possessed by the Choctaw & Memphis Railroad Company in this above mentioned right of way, together with all of the property and rights therein; and

Whereas, on the 24th day of March, 1904, the Choctaw, Oklahoma & Gulf Railroad Company did transfer, lease and assign to the Chicago, Rock Island & Pacific Railway Company all of its property rights, provisions and terms contained in the said grant of right of way immediately above mentioned of date October 12th, 1900; and

Whereas, it is considered for the best interests of the parties to this contract, and for and in consideration of the terms, provisions and conditions set forth in the original lease and stipulation above mentioned;

It is now further agreed and stipulated by and between the City of Memphis, party of the first part, and the Choctaw, Oklahoma & Gulf Railroad Company, party of the second part, that the said lease by the Choctaw, Oklahoma & Gulf Railroad Company to the Chicago, Rock Island & Pacific Railway Company is in all things ratified, affirmed and approved, as fully, and in the same manner as if the permission and consent of the City of Memphis had been given to the Choctaw, Oklahoma & Gulf Railroad Company to transfer and assign the said above mentioned right of way to the Chicago, Rock Island & Pacific Railway Company before the actual execution of the same upon the hereinafter stipulation and agreement by the Choctaw, Oklahoma & Gulf Railroad Company, viz.:

Lease to the
C., R. I. &
Pa. Ry. Co.
ratified.

"It is further stipulated and agreed by the Choctaw, Oklahoma & Gulf Railroad Company that this assignment or transfer of this right of way to the Chicago, Rock Island & Pacific Railway

Company, which was executed on the 24th day of March, 1904, shall be and has been made expressly subject to all of the terms and provisions of the original grant of right of way between the City of Memphis and the Choctaw & Memphis Railroad Company of date October 12th, 1900, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company; and the Chicago, Rock Island & Pacific Railway Company shall within sixty days from this date file with the City of Memphis its written stipulation, executed by the proper officers, binding itself to carry out and perform all of the provisions of the original grant of right of way above mentioned, it being the intention of the agreement of the parties hereto that the assignment, lease or transfer of this right of way to the Chicago, Rock Island & Pacific Railway Company shall be made expressly subject to all of the terms and provisions of the original grant of right of way by the City of Memphis to the Choctaw & Memphis Railroad Company, which has been legally assigned to the Choctaw, Oklahoma & Gulf Railroad Company."

Said original contract of date March 30th, 1904, between the City of Memphis and the Choctaw, Oklahoma & Gulf Railroad Company is herewith referred to, and made a part of this stipulation just as if it were set out herein in full.

Stipulation to carry out original lease. Now then, in order to carry out the objects and obligations of the said above mentioned provisions of the said written contract between the City of Memphis and the Choctaw, Oklahoma & Gulf Railroad Company of date March 30th, 1904, the said Chicago, Rock Island & Pacific Railway Company stipulates and agrees to and with the City of Memphis that it will faithfully carry out and perform all of the provisions thereof, just as if it had been the original lessee in said leases.

IN TESTIMONY WHEREOF: The Chicago, Rock Island & Pacific Railway Company has caused this obligation to be executed in its name by its First Vice President and Assistant Sec-

retary and has also caused its official seal to be affixed hereto;
all done this the 16th day of May, 1904.

THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY
COMPANY,

By ROBT. MATHES,

First Vice President.

(Seal C. R. I. & P. Ry. Co.)

Attest:

G. T. BOGGE,

Assistant Secretary.

ARTICLE 98.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY CO.

THIS CONTRACT, entered into this the 10th day of November, 1902, by and between the City of Memphis, party of the first part, and the Nashville, Chattanooga & St. Louis Railway Company, party of the second part;

WITNESSETH: That whereas the said second party has filed its petition with the Legislative Council of the City of Memphis praying that it be granted the right to curve a track now laid on Broadway in the City of Memphis in such manner as to connect with the free track across Kansas avenue entering the Adams Compress, and said petition has been fully considered by the Railroad Committee of the Legislative Council, which committee has recommended the granting of the prayer of said petition and upon the conditions set forth therein, and the recommendations of said committee report have been adopted by the Legislative Council to be evidenced by this written contract;

To connect
with free
track on
Kansas
avenue.

NOW, THEREFORE, The first party hereby gives and grants to the second party the permission and right to so change the location of the track of the second party now laid in Broadway as that the same shall curve from a point between Kentucky avenue and Kansas avenue about one hundred and sixty-five (165) feet west of the west line of Kentucky avenue so that said track may

Change loca-
tion of tracks
on Broadway.

connect with the free track across Kansas avenue and entering the Adams Compress, which free track is referred to and described in the contract between the Springfield & Memphis Railroad Company and the Taxing District of Shelby County, of date December 5th, 1881, and which was further referred to and described in the resolution of the Legislative Council of the City of Memphis passed September 29th, 1896. The location of the track of the second party as now permitted is indicated by the heavy red line on the map hereto attached, marked Exhibit "A" to N., C. & St. L. petition, and which map is made a part of this contract.

Conditions.

But the grant and permission herein made by the first party to the second party are given upon the following conditions, which are conditions precedent:

City may
move or
shift track.

First: The track of the second party now in Broadway crossing Florida avenue at a point south of its original roadway, and connecting with the Southern Railway on the west side of Broadway is permitted to exist there solely with the understanding and upon the condition that the City of Memphis waives none of its rights to this part of Broadway and Florida avenue, but that the city shall have the right to move or order moved or shifted this part of this particular track at any time that the city may desire to do so, and upon the further express stipulation and condition that the track at this point as above mentioned shall be a free track crossing Broadway and Florida avenue at the point mentioned, and any railroad or railroads desiring to use the same shall have the right to do so after first obtaining the consent of the city and paying the pro rata cost of said track.

Basis of
freight
charges.

Second: The second party and its successors and assigns shall at all times receive, transport and switch all cars of freight offered by industries, persons, firms or corporations or by other railroads at Memphis upon the same basis of charges upon

equal and uniform service and without discrimination of any character.

Third: The second party shall make no charges for switching freight in car-loads to and from connecting railroads, and to and from warehouses, persons, firms and corporations located on the tracks of said Railway Company within the switch limits of the City of Memphis which comes in or is destined to go out over the tracks of said second party.

No charge
—when.

Fourth: The second party, its successors and assigns shall make no greater charge than \$2.00 per car on any loaded car switched within the switch limits of the City of Memphis over the tracks of said second party. Empty cars shall be handled free by said second party.

Charges.

Fifth: Neither the second party nor its successors or assigns shall ever discriminate against the City of Memphis, its merchants, shippers or citizens in its freight or passenger rates.

Discrimination.

It is now expressly agreed that any breach of any one or more of the foregoing conditions and stipulations upon the part of the second party shall work an entire forfeiture of the permission and right of the second party, its assigns, or successors, granted hereunder, unless after thirty days notice from the city to the railroad company at the time operating said track, the breach of this contract complained of shall be fully rectified and repaired.

Breach of
conditions
work for-
feiture.

Nothing herein contained shall be construed as a grant of any interest in the soil, and no permission or interest shall be acquired by the second party hereunder except what is expressly set forth.

The City of Memphis does not warrant that it has the power or the right to make this grant to the second party, and the second party assumes all the risk of such lack of power.

Title.

Witness the hands of the parties, the day and year above written.

Executed in duplicate.

J. J. WILLIAMS,
B. R. HENDERSON,
JOHN ARMISTEAD,

Fire and Police Commissioners.

Approved:

E. B. LeMASTER,
E. C. GREEN,
A. B. CARRUTHERS.
D. GENSBURGER,
W. D. MOON,

Board of Public Works.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY.

By J. W. THOMAS, President.

(Seal N., C. & St. L. Ry.)

Attest: O. H. AMBROSE, Secretary.

ARTICLE 99.

LOUISVILLE & NASHVILLE RAILROAD CO.

Contract between the City of Memphis and the Louisville & Nashville Railroad Company, relative to the construction, operation and ownership of tracks in North Memphis.

This contract, made and entered into by and between the City of Memphis and the Louisville & Nashville Railroad Company this 24th day of February, 1905, WITNESSETH:

I.

Franchise.

The said City of Memphis, a municipal corporation in the State of Tennessee and County of Shelby, in consideration of the benefits to accrue to the said city and the citizens thereof, and for other considerations expressed hereinafter, and upon the terms and conditions hereinafter expressed, hereby grants to the Louisville & Nashville Railroad Company and its successors, a corporation chartered under and by virtue of the laws of the

State of Kentucky, the rights, franchises and privileges herein-after mentioned.

II.

It grants to the said Louisville & Nashville Railroad Company Limitation, and its successors, the right to construct, own and operate for a term of thirty-three years, one track of standard gauge, from a point just east of Main street, commencing at the track or tracks of the Louisville & Nashville Railroad Company at or near Auction street; thence across Main street and on the property of the City of Memphis known as the north half of Auction Square, which property is now under lease to the said Louisville & Nashville Railroad Company; and thence across Auction street in a southwesterly direction; and thence on private property owned or to be owned by the said Louisville & Nashville Railroad Company, to a point at or near the intersection of Front street and the east and west alley between Auction and Concord streets; and thence on Front street with two tracks of standard gauge with suitable cross-overs or tracks connecting the said tracks, south to the north line of Exchange street. The two tracks on Front street shall be so constructed that the center line of the east track shall not be more than 21½ feet, and the center line of the west track shall not be more than 34 feet from the property line or east line of Front street. The blue print hereto attached shows the tracks in question, and the said Louisville & Nashville Railroad Company and its successors are granted permission to operate engines and cars over and along all said tracks, whether on the streets and property of the city, or the private property referred to hereinabove.

Track across
Main street
to Front
and on Front
to Exchange

III.

The said Louisville & Nashville Railroad Company shall handle and place on the said tracks on Front street the cars of all other railroad companies which may be tendered to it, and shall do so without discrimination. For placing loaded cars on such tracks, it shall be paid the sum of \$2.00 per car, but shall not charge

Switching
charge.

for returning such cars when empty to the company or companies from which it received them. It shall also receive \$2.00 per car for delivering to any company or companies, cars which have been placed on the said Front street tracks to be transported by any other company or companies, but shall not charge for placing empty cars on said tracks on Front street to be there loaded.

IV.

Not to leave
cars on track.

No cars are to be stored on these tracks, nor to be placed on them for any other purposes than to be loaded or unloaded, but for such purposes cars may be left on such tracks for a period of forty-eight hours.

V.

Coal cars.

No cars loaded with coal are to be placed on said tracks for unloading except for direct delivery to persons, companies or corporations owning or using abutting lands, but for such purposes cars with coal may be placed on them.

VI.

To pave
Front street.

The said Louisville & Nashville Railroad Company is to furnish nine feet of four-inch granite to be laid between the rails of the tracks on Front street, and is to take up and stack the old granite necessary to be removed in the laying of the tracks and is to lay and surface the tracks, and is to furnish the gravel or other ballast for the foundation of the tracks. The city is to furnish the grade for the tracks. It is to place the ballast or foundation for the tracks, but at the expense of the Railroad Company; the object is to enable the city to get satisfactory foundation and drainage. The city is to lay the four-inch granite furnished by the company and is to relay the old granite so as to complete the street, and in return for this service is to have the nine feet of old granite for which the nine feet of four-inch granite is substituted.

VII.

To pave
Exchange
street

The Louisville & Nashville Railroad Company is to pave Exchange street from Front to Second, and is to pave Second

street from Exchange to Mill street with rock and rock asphalt Second street.
as per the specifications which have been furnished the said Railroad Company by the City Engineer; the city is to put the said streets to grade, ready for the rock foundations and is to curb the same, and in return for which, the city is to have the material taken from said streets. It is, however, understood and agreed, that should the city elect to do so within ninety days after the signing of this contract, it may substitute for the paving agreed by the said Louisville & Nashville Railroad Company to be done on Second street, an equal amount of yards of paving to be done elsewhere by the said Louisville & Nashville Railroad Company, *provided* it is to be north of the Louisville & Nashville Railroad Company's main line and on a street or streets in the vicinity of and leading towards the passenger or freight depot of said company in North Memphis, and *providing further*, that the said city will pave Second street from Exchange as far north as Auction street. If this substitution should be made, then the said Louisville & Nashville Railroad Company is not to be required to pave Second street from Exchange to Mill, and the paving so substituted is to be done in the same manner and with the same material as provided for above in connection with Second street, and the city is to do such work on the substituted streets as is required of it above in connection with Second street.

VIII.

The said Railroad Company gives its consent for the city to construct an under-pass under its track at Manassas street in the City of Memphis, of the kind and according to the specifications which the City Engineer has indicated, and the city may begin this work at any time, *provided*, it will give the said Railroad Company fifteen days written notice. The steel structure to carry the Railroad Company's track across said under-pass, is to be built in accordance with the Louisville & Nashville Railroad Company's bridge specifications. While the work is being

Manassas
street subway.

done, the said Railroad Company will protect its track, and will pay the city the entire cost of constructing the under-pass under its track and for a distance of twenty-five feet from the center of the track on both sides. The said Railroad Company will pay the city on the written orders of the City Engineer as the work progresses and as may be agreed on by the City Engineer and the Superintendent of the said Louisville & Nashville Railroad Company. But as the consent of the Railroad Company for the city to construct an under-pass under its tracks is given at the instance of and at the demand of the city, now in consideration of this fact, and the undertaking of the Railroad Company to pay the portion of the expense hereinabove stated, the city agrees and obligates itself to take care of the drainage and to hold the Railroad Company and its successors free from any damage resulting from water, and to refund to the Railroad Company and its successors any amount or amounts it or they may have to pay to others on account thereof, and also to hold harmless and to refund to the said Railroad Company or its successors any amount or amounts it or they may have to pay for damages to abutting or other property owners for damages to the use of same growing out of or in any way incident to the construction of the said under-pass.

IX.

Conditions
of grant.

The rights, franchises and privileges herein granted are subject to the conditions, restrictions and limitations of existing contracts between the City of Memphis and the Louisville & Nashville Railroad Company in reference to discriminations in freight and passenger rates, switching of cars and switching charges within the switch limits of Memphis, which it is understood includes the Louisville & Nashville Binghamton Belt Line.

X.

Grades of
streets.

The city is to furnish the grades of the streets on which the tracks are to be constructed and the tracks are to be made to

conform to such grades. The rails of the tracks are to be laid as nearly as practicable with the level of the street, so as not needlessly to interfere with the passage of the water and vehicles over them. And should it become necessary for the city to change the grade of the streets on which the tracks are laid, the Railroad Company will, at its expense, make its tracks conform to such new grade, and will keep the four feet and eight inches space between the rails of the tracks and for two feet on both sides of said rails in good condition and repair, and paved with the material used by the city on the portions of the streets adjacent to the tracks.

XI.

It is understood that the city does not grant away, but expressly reserves all of its police powers in and over and in respect to the grant of premises, and also its general power of legislation therein and over same, nor does it grant any other interest in the said premises except as herein expressly provided, nor any privileges except those herein enumerated, and those only upon the conditions and with the limitations herein prescribed and set forth; that it does not convey any interest in the soil on which the tracks are laid further than the right to construct the tracks and operate engines and cars on and over them; that the rights, franchises and privileges herein granted are without warranty and conveyed only so far as the city may have the right or power under its charter and legislative enactments to do so; that the city shall not be held for damages incident to the construction or operation of the tracks, but the Railroad Company agrees and obligates itself to stand between the city and such damages and will pay the city any amount it may have to pay under judgments, *provided*, the city will give the said company proper notice of any suits that may be brought against it, and will give the said Railroad Company the right to control said suits. It is the intent and meaning and purpose of this contract to grant to the Railroad Company only such

Police powers reserved.

City not liable for damages incident to construction or operation.

rights and title to the said premises as the city has thereto and power and authority to grant, and the Railroad Company acquires and accepts just such rights to use the granted premises and to exercise the privileges granted as the city has the right, power and authority to grant, and none other.

XII.

Limitation
of work.

The Railroad Company shall have six months after the acceptance of this contract within which to construct the tracks herein provided for, and six months after the city makes its election as to where the paving shall be done by the Louisville & Nashville Railroad Company, within which to do the paving. It is understood, however, that if the company shall be delayed in the construction of its tracks or in doing the paving specified, by litigation, or if it should be delayed by failure of the city to comply with its part of this contract, then such time is not to be charged to said Railroad Company.

XIII.

Breach of
conditions
works for-
feiture.

A breach of any of the material requirements of this contract by the said Louisville & Nashville Railroad Company shall be *ipso facto* a termination of this contract, and the rights and privileges granted under it at the option of the City of Memphis, unless in thirty days after written notice to the said Railroad Company by the city, the breach complained of shall be rectified by the said Railroad Company.

XIV.

The said Railroad Company shall have thirty days after the execution of this contract by the city, within which to file its written acceptance, and when this is done, the contract shall in every respect be binding on the city and the Railroad Company.

This contract is executed in duplicate, and the corporate seals attached in testimony of all the above.

J. J. WILLIAMS,
JNO. T. WALSH,
B. R. HENDERSON,
Board of Fire and Police Commissioners.
THOS. DIES,
A. B. CARRUTHERS,
GEO. C. LOVE,
E. B. LEMASTER,
G. M. TIDWELL,
W. D. MOON,
D. GENSBURGER,
WM. BERGSCHICKER,
Supervisors of Public Works.

(Seal City of Memphis.)

Attest: W. B. ARMOUR, City Secretary.

(Seal L. & N. R. R.)

LOUISVILLE & NASHVILLE R. R. CO.

By M. H. SMITH, President.

Attest: J. H. ELLIS, Secretary.

ACCEPTANCE.

The Louisville & Nashville Railroad Company hereby accepts the contract bearing date the 24th day of February, 1905, between the City of Memphis and the said company relative to the construction, operation and ownership of tracks in North Memphis, and accepts and assents to all the terms and conditions of said contract, and agrees to be bound thereby.

In witness whereof, the said Louisville & Nashville Railroad Company has caused its corporate name to be signed hereto by its Fourth Vice President and its corporate seal affixed hereto, attested by its Assistant Secretary, this 23rd day of March, 1905.

LOUISVILLE & NASHVILLE RAILROAD COMPANY,

By G. E. EVANS, Fourth Vice President.

(Seal)

Attest: W. H. BRUCE, Assistant Secretary.

ARTICLE 100.

TENNESSEE DISTRICT TELEGRAPH CO.

This contract, entered into this 10th day of September, 1903, between the City of Memphis, Tennessee, a municipal corporation, party of the first part, and the Tennessee District Telegraph Company, a corporation created under the laws of Tennessee, party of the second part, WITNESSETH:

25 years
franchise.

That for and in consideration of the benefits to accrue to the citizens of Memphis, and for the sum of one (\$1.00) dollar cash in hand paid to the said city by the party of the second part, the receipt of which is hereby acknowledged, the said City of Memphis does hereby grant to the said Tennessee District Telegraph Company the right and privilege, for the term of twenty-five (25) years from and after the date hereof, of using the streets and alleys of the City of Memphis, as its boundaries now are, or may hereafter be established, for the purpose of constructing conduits in, and placing poles or posts on, said streets and alleys, to be used alone for containing, and holding or supporting wires, or other electrical apparatus, for the maintenance of a system of signal, burglar, fire-alarm, messenger and telegraphic service, to be established by the said Tennessee District Telegraph Company, with the right to string and maintain such wires as may be necessary in the transaction of its business by said company, either in conduit constructed by itself, or in the conduits of others, and upon poles erected by itself, or by others; which grant of the privilege herein to the said Tennessee District Telegraph Company by the said City of Memphis, is subject to the following conditions, limitations and restrictions, and expressly subject to which the said second party takes and holds all of its rights hereunder, to-wit:

To string and
maintain
wires.

First. That the said second party shall put up, install and maintain only a first-class, modern system, constructed in the most approved manner, and to consist of the most modern ap-

paratus; said system, with its poles, wires and apparatus to be established, erected and constructed under the supervision and direction of the Chief of the Fire Department of the City of Memphis, and to be completed in such a manner as to meet with his entire satisfaction. The approval of the said system by the said Chief to be a condition precedent to the exercise of the rights and privileges herein granted.

Apparatus established under direction of Chief of Fire Department.

Second. The said second party shall, and does hereby accept, as a part of this contract, all the terms, conditions and requirements of the conduit ordinance passed on November 8, 1900; and the said terms, conditions and requirements of the said ordinance, which is here referred to as it appears upon page 522 of the Digest of the Ordinances of the City of Memphis, are as much a part of this contract as if they were herein specifically set out. And in the conduit district, as it is now, or may hereafter be prescribed, the said second party, as is provided in said ordinance, shall place all of its wires underground; that, when practicable, in the opinion of the Chief of the Fire Department of the City of Memphis, the second party shall place its wires in the conduits already constructed by other wire-using companies.

Accepts conduit ordinance.

Third. Whenever, in the opinion of the Chief of the Fire Department, it is practicable, the second party shall use for supporting its wires outside of the conduit district, such pole or poles of any other wire-using companies as is or are already erected, after first having had the consent of the Legislative Council of the City of Memphis to lease or rent said pole or poles of such other company or companies.

To use poles of other companies.

Fourth. The second party does hereby agree to all of the terms and conditions of the pole rental ordinance passed on February 25, 1902, as set out in said ordinance on page 947 of the Digest of the Ordinances of the City of Memphis here referred to, and declared to be a part of this contract; and the said

Agrees to pole rental ordinance.

second party does hereby recognize, as a binding and legal obligation upon it to the City of Memphis, all of the terms and conditions as therein set out; and the pole rental therein provided for, and the terms and conditions therein set out, are a part of the consideration for the grant of the rights and privileges herein; and the said second party does hereby agree to pay to the City of Memphis the pole rental therein provided for—three (\$3.00) dollars per annum for each pole used by it—without regard to any judgment that may be rendered in any suit that may now be pending between any wire-using company and the said city, or any suit that may hereafter be instituted; said pole rental to be paid the city by the second party from the date said second party may erect, lease, rent or use such pole or poles. In the event said pole rental is paid by others, then the said second party shall not be required to pay any additional pole rental to the said city; but in the event said pole rental is not paid by the company or companies from which the said second party rents or leases the use of said poles, and remains unpaid for thirty (30) days after written demand for the same by the city, then, from the date of such agreement to rent or lease, or, from the beginning of the use of such poles by the said second party, the said second party does hereby agree to pay to the City of Memphis the pole rental provided for in said ordinance, viz: Three (\$3.00) dollars per pole per annum, which pole rental, it is agreed, shall apply to all poles used by said company in said city, whether they be upon streets, alleys, public or private property, or upon the rights-of-ways of railroads.

Top of poles
reserved
for city.

Fifth. Three (3) feet on the top of all poles erected by the second party shall be reserved for the use of the fire and police wires of the city, free of charge; all such poles to be provided with cross-arms for city wires, under the direction of the Chief of the Fire Department of the said city, and at the expense of said second party.

Sixth. That the second party shall, when it erects poles or constructs conduits, replace the earth, pavement or sidewalk that may have been removed, in a good manner, and in all respects cause conditions to be the same as they were before the erection of its poles, or construction of its conduits, and to the entire satisfaction of the first party and its Engineer.

To replace streets in condition.

Seventh. All poles shall be set, conduits constructed and wires strung or attached by said second party in such a manner as not to interfere with the poles, conduits or wires of any other wire-using company, and in such manner as not to interfere with the Fire Department in any way; all poles set, conduits constructed and wires strung or attached, and all work—both of construction and maintenance by said second party, shall be done in such manner as not to interfere with or injure any public or private property, or the public service, in any way, and shall be subject to the approval of the Chief of the Fire Department and the City Engineer of the first party.

Wires not to interfere with other wires, etc.

Eighth. It is further agreed that, in the conduits put in by the second party, there shall be reserved one duct of ample size for wires now or hereafter owned by the city, for the use of its Fire and Police Departments, and said duct shall be used by the city free of cost or rent.

One duct in conduit for city.

Ninth. Before constructing, leasing, renting or using any conduits, or before erecting, renting or leasing any pole or poles from other wire-using companies in the city, the consent of the city, obtained in the usual way, shall first be had by the said Tennessee District Telegraph Company.

Secure permits for work.

Tenth. It is further agreed that the Tennessee District Telegraph Company, its successors and assigns, shall, at all times indemnify and save harmless the City of Memphis against any and all damages, claims, costs and expenses which said city may suffer, or any judgment that may be recovered from or

Save city from damages.

against the said city by reason of the grant of said privileges and authority, or directly or indirectly grow out of the granting of such privileges, or the exercise thereof, by the said Tennessee District Telegraph Company, its successors or assigns. A failure to comply with this portion of this agreement for ninety days after final judgment rendered against said city, and after written notice duly given said company by said city, operates as a forfeiture of the privileges herein granted.

Police powers reserved.

Eleventh. It is also understood that the city does not grant away any of its police powers in any respect to or over the streets or alleys, nor any of its general powers to control or regulate the same, nor does it grant any interest in the soil, but only the privileges herein specially enumerated, and only upon the conditions, limitations and restrictions prescribed in this contract.

To furnish service.

Twelfth. And in consideration of the grant of the above rights and privileges, the second party, or its assigns, shall furnish signal, burglar, fire-alarm, messenger and telegraph service to persons desiring to subscribe for the same; and the charges to subscribers for the furnishing of such service, through such apparatus as may be necessary, shall not exceed the following rates per month, to-wit:

Charges limited.

For first apparatus or box, two (\$2.00) dollars per month; second apparatus or box, one (\$1.00) dollar per month, and for each additional apparatus or box, fifty (50) cents per month, said charges (not to exceed the amounts above stated), shall be uniform, and there shall be no discrimination in the charges to its various subscribers by said Tennessee District Telegraph Company; and no subscriber or patron of said company shall be legally liable for service rendered him, for any amount in excess of the charge to any other subscriber or patron, for a similar service.

Thirteenth. It is expressly understood and agreed that the rights and privileges herein granted, are not transferable by the second party, except upon consent of the Legislative Council of the City of Memphis; and a complete and continuing compliance by the said second party with all of the terms and provisions herein set out, is hereby agreed to be a condition precedent to the continuance of said rights and privileges; and a non-compliance with the said terms and provisions, either directly or indirectly, or through subterfuge, shall immediately operate as a forfeiture of all the rights and privileges the said second party has acquired hereunder, and this contract shall become null and void.

Rights not
transferable
except on
city's consent.

Fourteenth. It is expressly understood and agreed by the second party, that the setting up herein of any of the provisions of any ordinance referred to, and declared to be a part of this contract, shall not be construed to mean the waiving of any of the other provisions set out in said ordinance; but that all other provisions in said ordinance are as much a part of this contract as if specifically set out, and notwithstanding the expression herein of some of their provisions.

Witness the hands of the said parties the day and year above written.

TENNESSEE DISTRICT TELEGRAPH COMPANY,

By GEO. H. FEARONS, General Agent.

J. J. WILLIAMS

B. R. HENDERSON,

JOHN ARMISTEAD,

Board of Fire and Police Commissioners.

Approved:

WM. LACROIX,

W. D. MOON,

A. B. CARRUTHERS,

ED F. GRACE,

D. GENSBURGER,

E. C. GREEN,

E. B. LEMASTER,

Board of Public Works.

RATIFICATION.

TENNESSEE DISTRICT TELEGRAPH CO.

GENERAL OFFICES

WESTERN UNION BUILDING, NEW YORK.

Extract from the minutes of the Executive Committee of the Tennessee District Telegraph Company meeting held March 16, 1903:

"On motion duly made and seconded and by the unanimous vote of all present it was resolved that George H. Fearons, of 195 Broadway, New York city, New York, be and hereby is, appointed and confirmed, and his acts in this company's behalf authorized, ratified and approved, as General Agent in signing this company's name and executing in its behalf all contracts, bonds, appeal bonds in litigations, cases and licenses, tax returns, affidavits, pleadings and like documents."

A true and correct copy from the minutes.

(Signed)

J. C. WILLEVER,

Secretary.

(Seal of Tenn. Dist. Tel. Co., Incorporated 1902.)

ARTICLE 101.

CUMBERLAND TELEPHONE & TELEGRAPH CO.

Preamble.

Whereas, for the recovery of certain pole rental provided for, under an ordinance of the City of Memphis, passed on February 25, 1902, a suit was instituted by the City of Memphis against the Cumberland Telephone & Telegraph Company, on June 25th, 1902, in the Chancery Court of Shelby County, which was removed to and is now pending in the United States Circuit Court; and,

Whereas, the said City of Memphis and the said Cumberland Telephone & Telegraph Company desire to compromise and settle said suit,

It is now stipulated and agreed between the said parties that in consideration of the agreements and undertakings by

the said Cumberland Telephone & Telegraph Company, herein-after set out, the said City of Memphis, after the payment of all court costs by the said Telephone Company, hereby orders said suit to be dismissed. In compromising and dismissing said suit, however, the said city does not surrender any right that it may have to collect a pole rental from said Telephone Company, except for the years 1902 to 1903. For any year or years after 1903, the right of the city to collect a pole rental from said company remains unchanged and unprejudiced by this agreement in compromise of the pending suit, and whatever rights, if any, the said Telephone Company may have in defense of any suits brought for such rental are also unprejudiced by this agreement.

Suit for pole rental to be dismissed.

Right to collect rental after 1903 reserved.

The several undertakings and agreements of the said Cumberland Telephone & Telegraph Company with the said City of Memphis, which are the considerations for the dismissal of the said suit, are as follows:

Conditions.

First. The said Cumberland Telephone & Telegraph Company in the exercise of any rights that it may have shall not charge for its services as a telephone company an amount which shall exceed an average per station of one (\$1.00) dollar per week, until the number of stations connected with the exchange of said company shall exceed seven thousand, when the limitation upon charges fixed in this contract shall cease.

Charge for service.

Second. The said Telephone Company shall furnish free, for the use of the Police and Fire Alarm wires of the said city, one duct in its present underground system, and such additional system as it may construct from time to time, together with necessary and proper space in the various man-holes, for the use of the city wires. Said Telephone Company shall also furnish free, for the use of the police and fire alarm wires of the city, space upon all of its poles now or hereafter erected, and shall erect up-rights and cross-arms of such reasonable dimensions

One duct furnished city free and space on poles for fire alarm wires, etc.

and construction as the city may direct, upon the top of its poles, for the placing of said city wires; but the city's wires shall be so placed as not to interfere with the wires of said Telephone Company.

Circuit in
fire engine
houses.

Third. The said Telephone Company shall erect and establish a ringing circuit, and furnish bells and generators for the same, in all of the fire engine houses now used, or hereafter to be acquired and used by the city. Said Telephone Company shall also establish and erect a twelve drop switchboard for the police station of said city, and extension lines for eight desk sets in the police station of said city.

Free tele-
phone service
to city.

Fourth. Said Telephone Company shall furnish telephones free of charge to the following city institutions and offices, viz: City Secretary's office, Mayor's office, Board of Health, two (2) Crematories, Engineer's office, two (2) City Stables, Hospital, Board of Education, and the same service to Public School Buildings as now rendered.

Obligations
continuous.

Fifth. The performance of the things herein above specified shall be a continuing obligation upon said Telephone Company, its successors and assigns, so long as it may exercise any rights that it may have to do a telephone business in the City of Memphis.

In witness whereof the said City of Memphis, and the said Cumberland Telephone & Telegraph Company, through their proper officers, have hereto signed their names and set their seals this 16th day of July, 1903.

J. J. WILLIAMS,

B. R. HENDERSON,

Fire and Police Commissioners.

E. B. LEMASTER,

WM. LACROIX,

W. D. MOON,

E. C. GREEN,

A. B. CARRUTHERS,

D. GENSBURGER,

Board of Public Works.

CUMBERLAND TELEPHONE & TELEGRAPH CO.

Pr. JAMES E. CALDWELL, President.

(Seal C. T. & T. Co.)

Attest: ROLAND HUME, Secretary.

ARTICLE 102.

SOUTHERN RAILWAY CO. ET. AL.

(In Re "Elmwood Cemetery Bridge.")

This contract and agreement, made and entered into this the 31st day of December, 1904, by and between the City of Memphis, a municipal corporation under the laws of Tennessee, hereinafter for convenience called the city, party of the first part; and Southern Railway Company, St. Louis & San Francisco Railroad Company, Kansas City, Memphis & Birmingham Railroad Company, Union Railway Company, and Nashville, Chattanooga & St. Louis Railway, all duly incorporated, hereinafter for convenience called the Railroad Companies, parties of the second part, WITNESSETH:

That whereas a controversy has arisen between the city on the one side, and said Railroad Companies on the other, relative to the respective duties and obligations imposed upon each in reference to the construction of a new bridge over the rights-of-way of said Railroad Companies, at the crossing of Dunlap street into the North gate of Elmwood cemetery, in the City of Memphis, Shelby County, Tennessee, and certain litigation is now pending in the Chancery Court of Shelby County in reference thereto; and,

Preamble.

Whereas, all matters of difference in reference to the construction and future maintenance of said bridge has, after a full conference between all of said parties, been amicably adjusted and settled, and it is desired to reduce the terms of said settlement to writing; now, therefore,

In consideration of the premises, it is severally agreed as follows:

First. The city will, as promptly as can reasonably be done, construct a new bridge at said point on plans substantially as heretofore submitted to Railroad Companies by the City Engineer. The work of construction of said bridge is to be done

Build bridge
over tracks
leading into
Elmwood
Cemetery.

wholly by the city, and under the supervision of the City Engineer. The city is to assume, and hereby does assume, responsibility for the entire construction of said bridge and its stability, at a cost not to exceed the sum of fifteen thousand (\$15,000.00) dollars.

Clearance
of bridge.

Second. Said bridge is to be constructed on the plans heretofore submitted by the City Engineer, with a clearance of twenty-one (21) feet over the rights-of-way of the St. Louis & San Francisco Railroad Company and the Kansas City, Memphis & Birmingham Railroad Company, and of the Southern Railway Company, the same being the center fifty (50) feet of Broadway, and the heights over the remaining rights-of-way on the north and south sides of Broadway shall be increased about one (1) foot and six (6) inches over the elevations shown on the present plans, so as to increase the elevation over the rights-of-way owned by the Union Railway Company on the south and the rights-of-way owned by the city and the Nashville, Chattanooga & St. Louis Railway Company on the north, one (1) foot and six (6) inches over the elevation shown on the present plan.

Cost of
bridge ap-
portioned.

Third. The north twelve and one-half ($12\frac{1}{2}$) feet of Broadway (which is estimated to be one hundred feet wide) belongs to the City of Memphis. The several railroad companies, parties hereto, agree in the first instance to contribute to the City of Memphis the total cost of the bridge to be constructed hereunder, not to exceed fifteen thousand (\$15,000.00) dollars, in the proportion of two-sevenths (2-7) to the Union Railway Company, two-sevenths (2-7) to the Kansas City, Memphis & Birmingham Railroad Company and the St. Louis & San Francisco Railroad Company jointly, two-sevenths (2-7) to the Southern Railway Company, and one-seventh (1-7) to the Nashville, Chattanooga & St. Louis Railway; upon the distinct understanding and condition, however, that the city agrees ultimately to pay its proper

pro rata of the total cost of such construction, said pro rata being one-eighth (1-8) of the total. This one-eighth (1-8) of the total cost so to be contributed by the several railroad companies is to be charged to the city's right-of-way, and is to be paid to the several railroad companies in the proportions stated by any railroad company or other corporation hereinafter occupying the right-of-way owned by the city on the north side of Broadway, whenever said city shall grant the right to use the same to any such railroad or other corporation, and the repayment of this one-eighth (1-8) of the total cost by such company, with interest thereon at six per cent from date, shall be made a condition precedent to the granting of any such right or franchise by the city.

Fourth. Paragraph 2 above shows that in order to secure the necessary clearance of twenty-one (21) feet over the rights-of-way on the north and south sides of Broadway, it may be necessary to do extra concrete or stone work for the protection of the tracks and embankments of the several railroad companies. If such becomes necessary, the cost of such extra concrete or stone work as may be necessary is to be borne by the parties hereto in the proportions stated in paragraph 3.

Fifth. The City of Memphis will furnish the necessary right-of-way for the abutments of and the necessary approaches to the bridge to be constructed hereunder, free of any expense or liability to the railroad companies therefor.

Sixth. The city will pass, by its Legislative Council, such ordinance or ordinances, and will execute such contracts as may be necessary to carry this contract and agreement into effect, and so that the said bridge may be lawfully constructed, and will, in like manner, by proper action of its Legislative Council, pass all necessary ordinances establishing a legal grade for the bridge at the elevation hereinabove indicated.

Bridge—how
maintained.

Seventh. The bridge shall, in future, be maintained by the City of Memphis, the cost of ordinary repairs thereof to be paid by said city, and said railroad companies will contribute to said expense in the proportion of two-eighths (2-8) to the Union Railway Company, two-eighths (2-8) to the Kansas City, Memphis & Birmingham and St. Louis & San Francisco Railroad Company jointly, two-eighths (2-8) to the Southern Railway Company, and one-eighth (1-8) to the Nashville, Chattanooga & St. Louis Railway Company, the city agreeing to pay the remaining one-eighth (1-8) of the cost of such repair. But it is understood and agreed that if costly or expensive repairs or betterments shall hereafter become necessary, the same shall only be done by the city under the supervision of the City Engineer, upon the approval and with the consent of the engineers of the railroad companies.

To dismiss
litigation.

Eighth. The litigation now pending in the courts of Shelby County shall be dismissed by the complainants therein, respectively, at the cost of the complainant in each case.

This contract is executed in six (6) parts by all of the parties hereto, each one of which shall be considered as an original.

In witness whereof the said City of Memphis, pursuant to due authority given by its Legislative Council, has caused this contract to be signed by its Mayor and Legislative Council, and the seal of the corporation attached hereto; and said railroad companies respectively have caused these presents to be signed by the President and attested by the Secretary of each corporation, respectively, and the seal of the same to be attached hereto, this the day and year above written.

CITY OF MEMPHIS,

By J. J. WILLIAMS.

B. R. HENDERSON,

JOHN T. WALSH,

Board of Police and Fire Commissioners.

E. B. LEMASTER,

THOS. DIES,

D. GENSBURGER,
A. B. CARRUTHERS,
G. M. TIDWELL,
WM. BERGSCHICKER,
GEO. C. LOVE,
W. D. MOON,

Board of Public Works.

UNION RAILWAY CO.

By H. E. FLEMMING, President.

Attest: J. W. CANADA, Sec. Union Ry. Co.

(Seal U. Ry. Co.)

ST. LOUIS & SAN FRANCISCO RAILROAD
COMPANY,

By C. R. GRAY, Second Vice-President.

KANSAS CITY, MEMPHIS & BIRMINGHAM
RAILROAD CO.

By A. J. DAVIDSON, President.

J. E. EGAN, Atty.

NASHVILLE, CHATTANOOGA & ST. LOUIS
RAILWAY,

By J. M. THOMAS, JR., General Manager.

SOUTHERN RAILWAY COMPANY,

By AILENT, Fourth Vice-President.

ARTICLE 103.

N. C. & ST. L. R. R. AND THE BERLIN COAL CO.

This contract, made and entered into this, 1st day of June, 1903, by and between the City of Memphis, Tennessee, a municipal corporation, party of the first part; the Nashville, Chattanooga & St. Louis Railway Company, a corporation created under the laws of the State of Tennessee, party of the second part, and W. T. C. Berlin, doing business under the name of the Berlin Coal Company, a citizen of Shelby County, Tennessee, party of the third part, WITNESSETH:

Preamble.

That whereas the said third party has petitioned the said first party for the privilege of having said second party granted the right to run a switch track into the coal yard of the third party, located on the northeast corner of Broadway and Orleans streets in the City of Memphis; and,

Whereas, on May 29th, 1903, the Legislative Council of the first party granted said petition of the third party, upon the following considerations, conditions and restrictions, hereinafter set forth, all of which are to be embodied in this contract;

Switch on
Broadway into
Berlin Coal
Co. yard.

Now, therefore, in consideration of the premises, and the several undertakings and promises, and one dollar to it in hand paid, the said first party hereby grants to the said second party, subject to the will and pleasure of the Legislative Council of the said first party, the right to build and maintain a switch track from its main track at a point about two hundred and fifty (250) feet east of Orleans street, and running thence from said point in a northwesterly direction across the city's property lying along the north line of Broadway, into the coal yard of the third party; the said switch track to be built from the point and in the direction as shown upon the plat hereto attached and made a part of this contract.

Conditions.

The grant of the privilege herein is subject to the following conditions, restrictions and reservations, and expressly subject to which the said second and third parties take and hold all of their rights hereunder, to-wit:

First. Neither the second party nor the third party shall have any rights or privileges on the twelve and one-half ($12\frac{1}{2}$) feet of land lying between the north line of Broadway and the Nashville, Chattanooga & St. Louis Railway Company, belonging to the City of Memphis, other than the right of said second party to construct and maintain the said switch track, as above described, and the right of said second and third parties to use said switch track for the purposes of the present business of

the said third party, and the use of so much of this strip of twelve and one-half ($12\frac{1}{2}$) feet of land in this manner, shall be subject to, and only during the will and pleasure of the Legislative Council of the first party, and before the grant of this privilege shall become effective, the third party shall cause to be removed any fences or obstructions on this twelve and one-half ($12\frac{1}{2}$) feet of land belonging to the city, that may be used by him, or that may have been placed thereon by him or the owner, or any previous owner or owners of the property now used by him as a coal yard.

Second. The construction of said track shall be under the supervision of and subject to the approval of the City Engineer.

In witness whereof the parties have hereunto affixed their signatures, this 1st day of June, 1903.

J. J. WILLIAMS,

B. R. HENDERSON,

Fire and Police Commissioners.

Approved:

ED F. GRACE,

E. C. GREEN,

H. H. LITTY,

A. B. CARRUTHERS,

W. D. MOON,

WM. LACROIX,

E. B. LEMASTER,

D. GENSBURGER,

Supervisors of Public Works.

NASHVILLE, CHATTANOOGA & ST. LOUIS RY.

By JNO. M. THOMAS, JR., General Manager.

Witness:

R. F. HANOVER.

BERLIN COAL CO.

W. T. C. BLRLIN.

ARTICLE 104.

MEMPHIS ASPHALT & PAVING CO.

This agreement, made this the 25th day of October, 1902, by and between the Memphis Asphalt & Paving Company, a corporation created and existing under the laws of the State of Tennessee, party of the first part, and the City of Memphis, a municipal corporation, party of the second part, WITNESSETH:

Preamble.

That whereas, on July 29th, 1902, the City of Memphis advertised, inviting proposals for laying asphalt pavements within the limits of said city, a full and true copy of which advertisement is hereto attached and made a part hereof, and marked "Exhibit A"; and,

Whereas, in accordance with said advertisement, the first party duly filed its written bids offering to lay such asphalt pavements, one of said bids providing for a five years guaranty upon such work and the other providing for a ten years' guaranty is hereto attached and made a part of this contract, and marked "Exhibit B;"

And, whereas, the Legislative Council of the City of Memphis determined to require a ten years' guaranty of the work to be done, upon the full consideration of the bids filed, it was voted and determined to award to the first party the contract for doing two-thirds (2-3) of the total amount of the work advertised for as aforesaid; and, whereas, in the advertisement aforesaid, certain specifications and requirements were referred to which should be the basis upon which such bids were made and the work should be done, said specifications are hereby attached and made a part hereof and marked Exhibit "C."

Asphalt on
certain
streets.

Now, therefore, in consideration of the premises, and of the payments and covenants herein mentioned to be made and performed by the second party, the first party hereby covenants and agrees to perform for the second party the following work, namely: To lay pavements of sheet asphalt over two-thirds

(2-3) of the total surface of the parts of streets mentioned and set forth in the thirteenth clause of the general specifications herein mentioned, said two-thirds of the area of said streets to be designated by the Fire and Police Commissioners of the City of Memphis, the second party reserving the right to assign or designate all or any fractional part of the streets of said city as set forth in said thirteenth clause of said specifications, the total area, however, to aggregate two-thirds of the whole area named in said thirteenth clause. The said first party of the first part further covenants and agrees, for the consideration herein-after stated, to furnish all the work required to be done, and all material necessary, in strict accordance with the terms of the advertisement, specifications and bids above mentioned and made Exhibits A, B and C to this contract, and made a part hereof. And the first party further covenants and agrees to commence the work embraced in the agreement or contract on or before the 31st day of December, 1902, and to prosecute the same in such manner and with such force of men and teams as will insure and effect the full and entire completion of all the work on or before the 31st day of July, 1903. For and in consideration of the faithful performance of all the stipulations and conditions of the foregoing agreement by the party of the first part, the party of the second part covenants and agrees to pay to the party of the first part, in accordance with its bid, the following compensation, to-wit: The sum of one dollar and forty-eight cents (\$1.48) per square yard of street surface paved with said sheet asphalt as aforesaid. It is, however, expressly understood and agreed that the price herein stipulated for is to be paid on the basis of final and accurate measurement of the work embraced in this agreement. It is further understood and agreed that the specifications of the work and material embraced in this contract at the date of its execution, as shown by plans embraced and specifications, may be changed by consent of both parties hereto, and that no subsequent diminution or increase

Cost.

Specifications.

in the amount of the work that may arise, either from error in the original estimate or from any changes which the City Engineer and Board of Fire and Police Commissioners may make in the plan of the work, shall entitle the first party to any allowance whatever beyond a final measurement of the actual work done in accordance with the specifications from notes and measurements of any by the City Engineer to be made after the final completion of the work. It is further agreed and stipulated by and between the parties that, should the city desire to lay asphalt upon a greater number of blocks of any street named in the specifications above referred to, in addition to the part of the blocks named and indicated in said specifications, the party of the first part will, at the request of the city, lay asphalt upon such additional blocks, not, however, to exceed five (5) additional blocks upon any one street, and all of the terms of this contract, together with the guaranty and bond hereinafter referred to, shall cover such additional blocks as fully as if the same had been described and set forth in the original specifications. Nor shall such change or changes affect the liabilities of the bond to be given by the first party for the faithful performance of this contract. On or about the first day of every month during the progress of the work, an estimate shall be made of the approximate value of the work done, to be judged by the City Engineer, and, upon his certificate of the amount, approved by the Mayor and the Fire and Police Commissioners, eighty-five per cent. (85%) of the amount of said estimate shall be paid to the party of the first part, provided the amount due under said estimate to the first party shall be more than one thousand dollars. And when each street embraced in this contract is completed agreeably to the specifications, advertisement and bid aforesaid, and in accordance with the directions, and to the satisfaction and acceptance of the City Engineer, there shall be a final estimate made of the quality, character and value of said work agreeably to the terms of this contract, when

the balance appearing due to the first party shall be paid to such first party. And it is further understood and agreed that the work embraced in the contract shall be commenced as aforesaid on or before the 31st day of December, 1902, and prosecuted with such force and material as the City Engineer may deem adequate to its completion within the time above specified, and if at any time the first party shall refuse or neglect to prosecute the work as above provided, then, and in that case, the City Engineer, with the approval of the Board of Fire and Police Commissioners, may employ such number of workmen, laborers and overseers, and purchase such material as may, in his opinion, be necessary to insure and effect the completion of the work within the time hereinbefore limited at such wages and prices as he may find it necessary to give, pay all persons and for all material so employed and bought, and charge the amount so paid to the first party, as so much money to said first party on this contract. Or the City Engineer may, with the approval of the Legislative Council, and at their option for failure to prosecute the work with adequate force and material, or for any other omission or neglect of the requirements of this agreement on the part of the party of the first part, declare this contract forfeited, which declaration of forfeiture shall exonerate the second party from any and all obligations arising under this contract, the same as though this agreement had never been made, and any amount or amounts reserved upon any work done by the first party under this contract may be retained forever by the second party, whether the default shall have occurred in respect to that particular part of the work or not. It is also further understood and agreed that in case the party of the first part fail or refuse to complete the work undertaken under this contract within the time herein designated for the completion of the same, for every day beyond such day of completion fixed herein that he so fail he shall pay the party of the second part as liquidated damages the sum of fifty dollars per day, which the first

party agrees shall be deducted from the amount agreed herein to be paid to him by the party of the second part. It is also distinctly understood and agreed by and between the parties hereto that this contract is entered into subject to the right of the Mayor, Board of Fire and Police Commissioners and City Engineer to suspend such work for any failure on the part of the party of the first part, and that such suspension shall not affect the right of the City of Memphis to any damages or penalties incident to such failure. And it is mutually agreed and understood that the decision of the City Engineer shall be final and conclusive in any disputes which may arise between the parties to this agreement relative to or touching the same, as to any questions that may arise regarding the character and quality of material and work, the estimates of monthly payments and measurements for final payments, and as to any other matters or questions arising hereunder that should and ought to be determined by any engineer. The foundation to be made of gravel as provided in the specifications and furnished by the party of the second part, shall be laid subject to the approval of the party of the first part. When the first party lays asphalt upon a gravel foundation furnished by the second party it shall be conclusive upon the first party that such gravel foundation is good, suitable and sufficient. The party of the first part is to give bond with sureties to be accepted by the Fire and Police Commissioners, in the penalty of twenty thousand dollars (\$20,000.00), conditioned for the full and faithful performance on its part of all the terms and provisions of this contract, and this contract shall not take effect until said bond shall be given and accepted. Said bond shall contain the express provision obligating the principal and sureties upon said bond to maintain and keep in good order and perfect condition during a period of ten years, beginning with the completion of said work, all of the work under this contract, and such maintenance shall be done promptly and in strict accordance with the requirements

Ten years'
maintenance.

of the specifications above set forth. It is further agreed that the party of the second part shall not permit any part or portion of any street upon which asphalt is laid by the party of the first part to be cut into or disturbed by any person, firm or corporation, unless such person, firm or corporation shall have made a written contract with the party of the first part to repair the foundation and relay the asphalt so as to preserve the condition of the street, provided the price charged by the first party for such work be reasonable, and, in case of a disagreement, the City Engineer shall determine what is a reasonable price for such work.

Executed in duplicate this the 25th day of October, 1902.

(Seal M. A. & P. Co.)

MEMPHIS ASPHALT & PAVING CO.,

By S. T. CARNES, President.

W. E. McGEHEE, Sec'y and Treasurer.

J. J. WILLIAMS,

B. R. HENDERSON,

JOHN ARMISTEAD,

Board of Fire and Police Commissioners.

ED. F. GRACE,

H. H. LITTY,

WM. LACROIX,

D. GENSBURGER,

W. D. MOON,

E. B. LEMASTER,

E. C. GREEN,

A. B. CARRUTHERS,

Board of Public Works.

STATE OF TENNESSEE,

COUNTY OF SHELBY.

We, the Memphis Asphalt & Paving Company, as principal, and S. T. Carnes, Henry Duffin, J. H. Sullivan, W. E. McGehee and W. W. Talbert, as sureties, hereby acknowledge ourselves

indebted to the City of Memphis, in the State and county aforesaid, in the sum of twenty thousand (\$20,000.00) dollars well and truly to be paid by ourselves, our successors, heirs and personal representatives.

But this is a penal obligation, the condition of which is that the said Memphis Asphalt & Paving Company has on this, the 14th day of November, 1902, entered into a contract with the City of Memphis for laying and maintaining certain asphalt pavements within said city, which said contract, and the advertisement, specifications and bid are referred to as being hereto attached, and all of said contract, advertisement, specifications and bid are made a part of this bond, as if the same were set forth in full herein, the said S. T. Carnes, Henry Duffin, J. H. Sullivan, W. E. McGehee and W. W. Talbert, sureties, acknowledging their complete knowledge of the contents of said contract, and the papers and exhibits thereto, and accepting the terms and provisions thereof. Now, should the said Memphis Asphalt & Paving Company well, fully and truly perform all the terms and provisions of said contract on its part, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

Witness our hands this the 14th day of November, 1902.

MEMPHIS ASPHALT & PAVING CO.,

By S. T. CARNES, President.

S. T. CARNES.

J. H. SULLIVAN.

W. E. McGEHEE.

HENRY DUFFIN.

W. W. TALBERT.

(Seal M. A. & P. Co.)

Attest: W. E. McGEHEE.

STATE OF TENNESSEE,
SHELBY COUNTY.

Personally appeared before me, C. Q. Carnes, a Notary Public in and for said county and State, duly commissioned and qualified, S. T. Carnes, J. H. Sullivan and W. E. McGehee, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and notarial seal, at Memphis, county and State aforesaid, this 14th day of November, 1902.

(Seal.)

C. Q. CARNES, Notary Public.

STATE OF TEXAS,
COUNTY OF JEFFERSON.

Personally appeared before me, Joe Williams, a Notary Public in and for said county and State, duly commissioned and qualified, Henry Duffin and W. W. Talbert, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and notarial seal at Port Arthur, Jefferson County, State of Texas, this 20th day of November, A.D. 1902.

(Seal.)

JOE WILLIAMS, Notary Public.

My commission expires May 31, 1904.

Approved:

J. J. WILLIAMS,

B. R. HENDERSON,

Fire and Police Commissioners.

ARTICLE 105.

CITY OF MEMPHIS AND SOUTHERN PAVING & CONSTRUCTION COMPANY.

ASPHALT PAVING CONTRACT.

THIS AGREEMENT, made this 20th day of November, 1902, by and between the Southern Paving & Construction Company,

a corporation created and existing under the laws of the State of West Virginia, party of the first part, and the City of Memphis, a municipal corporation, party of the second part; WITNESSETH, that,

Preamble. *Whereas*, on July 29th, 1902, the City of Memphis advertised, inviting proposals for laying asphalt pavements, within the limits of said city, a full and true copy of which advertisement is hereto attached and made a part hereof, and marked "Exhibit A;" and,

Whereas, in accordance with said advertisement, the first party duly filed its written bids offering to lay such asphalt pavements, one of said bids providing for a five years' guaranty upon such work and the other providing for a ten years' guaranty upon such work, the latter bid, namely, the one for a ten-year guaranty, is hereto attached and made a part of this contract, and marked "Exhibit B;" and,

Whereas, the Legislative Council of the City of Memphis determined to require a ten years' guarantee of the work to be done, upon the full consideration of the bids filed, it was voted and determined to award to the first party the contract for doing one-third (1-3) of the total amount of the work advertised for as aforesaid; and,

Whereas, in the advertisement aforesaid, certain specifications and requirements were referred to which should be the basis upon which such bids were made and the work should be done, said specifications are hereto attached and made a part hereof and marked "Exhibit C;"

Asphalt work. *Now, therefore*, in consideration of the premises, and of the payments and covenants hereinafter mentioned to be made and performed by the second party, the first party hereby covenants and agrees to perform for the second party the following work, namely: To lay pavements of sheet asphalt over one-third (1-3)

of the total surface of the parts of the streets mentioned and set forth in the thirteenth clause of the general specifications herein mentioned, said one-third of the area of said streets to be designated by the Fire and Police Commissioners of the City of Memphis, the second party reserving the right to assign or designate all or any fractional portion of the streets of said city as set forth in said thirteenth clause of said specifications, the total area, however, to aggregate one-third of the whole area named in said thirteenth clause. The said party of the first part further covenants and agrees, for the consideration hereinafter stated, to furnish all the work required to be done and all material necessary, in strict accordance with the terms of the advertisement, specifications and bid above mentioned, and made Exhibits A, B and C to this contract, and made a part hereof.

And the first party further covenants and agrees to commence the work embraced in this agreement or contract on or before the first day of December, 1902, and to prosecute the same in such manner and with such force of men and teams as will insure and effect the full and entire completion of all of the work on or before the 1st day of July, 1903.

For and in consideration of the faithful performance of all the stipulations and conditions of the foregoing agreement by the party of the first part, the party of the second part covenants and agrees to pay to the party of the first part, in accordance with its bid, the following compensation, to-wit: The sum of one dollar and forty-eight cents (\$1.48) per square yard of street surface paved with said sheet asphalt, as aforesaid.

It is, however, expressly understood and agreed that the prices herein stipulated for are to be paid on the basis of final and accurate measurement of the work embraced in this agreement. It is further understood and agreed that the specifications of the work and material embraced in this contract at the date of its execution, as shown by plans and specifications, may be changed

by consent of both parties hereto, and that no subsequent diminution or increase in the amount of work that may arise, either from error in the original estimate, or from any changes which the City Engineer and the Board of Fire and Police Commissioners may make in the plan of the work, shall entitle the first party to any allowance whatever beyond a final measurement of the actual work done in accordance with the specifications from notes and measurements of and by the City Engineer, to be made after the final completion of the work.

It is further agreed and stipulated by and between the parties that, should the city desire to lay asphalt upon a greater number of blocks of any street named in the specifications above referred to, in addition to the blocks named and indicated in said specifications, the party of the first part will, at the request of the city, lay asphalt upon such additional blocks, not, however, to exceed five (5) additional blocks upon any one street, and all of the terms of this contract, together with the guaranty and bond hereinafter referred to, shall cover such additional blocks as fully as if the same had been described and set forth in the original specifications.

Nor shall such change or changes affect the liability of the bond to be given by the first party for the faithful performance of this contract. On or about the first day of every month, during the progress of the work, an estimate shall be made of the approximate value of the work done, to be judged by the City Engineer, and, upon his certificate of the amount, approved by the Mayor and the Fire and Police Commissioners, eighty-five per cent. (85%) of the amount of said estimate shall be paid to the party of the first part, provided the amount due under said estimate to the first party shall be more than one thousand dollars, and when each street embraced in this contract is completed agreeably to the specifications, advertisement and bid aforesaid, and in accordance with the directions and to the

satisfaction and acceptance of the City Engineer, there shall be a final estimate made of the quality, character and value of said work agreeably to the terms of this contract, when the balance appearing due to the first party shall be paid to such first party.

And it is further understood and agreed that the work embraced in this contract shall be commenced, as aforesaid, on or before the 1st day of December, 1902, and prosecuted with such force and material as the City Engineer may deem adequate to its completion within the time above specified, and if, at any time, the first party shall refuse or neglect to prosecute the work, as above provided, then, and in that case, the City Engineer, with the approval of the Board of Fire and Police Commissioners, may employ such number of workmen, laborers and overseers, and purchase such material as may, in his opinion, be necessary to insure and effect the completion of the work within the time hereinbefore limited, at such wages and prices as he may find it necessary to give, pay all persons and for all material so employed and bought, and charge the amount so paid to the first party, as so much money to said first party on this contract.

Or the City Engineer may, with the approval of the Legislative Council, and at their option, for failure to prosecute the work with adequate force and material, or for any other omission or neglect of the requirements of this agreement on the part of the party of the first part, declare this contract forfeited, which declaration of forfeiture shall exonerate the second party from any and all obligations arising under this contract, the same as though this agreement had never been made, and any amount or amounts reserved upon any work done by the first party under this contract may be retained forever by the second party, whether the default shall have occurred in respect to that particular part of the work or not.

It is also further understood and agreed that, in case the party of the first part fail or refuse to complete the work undertaken under this contract, within the time herein designated for the completion of the same, for every day beyond such day of completion fixed herein, that he so fail he shall pay the party of the second part, as liquidated damages, the sum of fifty dollars per day, which the first party agrees shall be deducted from the amount agreed herein to be paid to him by the party of the second part.

It is also distinctly understood and agreed by and between the parties hereto that this contract is entered into subject to the right of the Mayor, Board of Fire and Police Commissioners and the City Engineer, to suspend such work for any failure on the part of the party of the first part, and that such suspension shall not affect the right of the City of Memphis to any damages or penalties incident to such failure.

And it is mutually agreed and understood that the decision of the City Engineer and Board of Fire and Police Commissioners shall be final and conclusive in any disputes which may arise between the parties to this agreement relative to or touching the same, as to any questions that may arise regarding the character and quality of material and work, the estimates for monthly payments and measurements for final payments, and as to any other matters or questions arising hereunder that should and ought to be determined by an engineer.

The foundation to be made of gravel, as provided in the specifications and furnished by the party of the second part, shall be laid subject to the approval of the party of the first part. When the first party lays asphalt upon a gravel foundation furnished by the second party, it shall be conclusive upon the first party that such gravel foundation is good, suitable and sufficient.

The party of the first part is to give bond, with sureties to Maintenance. be accepted by the Fire and Police Commissioners, in the penalty of ten thousand (\$10,000.00) dollars, conditioned for the full and faithful performance on its part of all the terms and provisions of this contract, and this contract shall not take effect until said bond shall be given and accepted. Said bond shall contain the express provision obligating the principal and sureties upon said bond to maintain and keep in good order and perfect condition during the period of ten years, beginning with the completion of said work, all of the work under this contract, and such maintenance shall be done promptly and in strict accordance with the requirements of the specifications above set forth.

It is further agreed that the party of the second part shall not permit any part or portion of any street upon which asphalt is laid by the party of the first part to be cut into or disturbed by any person, firm or corporation, unless such person, firm or corporation shall have made a written contract with the party of the first part to repair the foundation and relay the asphalt, so as to preserve the condition of the street, provided the price charged by the first party for such work be reasonable, and, in case of a disagreement, the City Engineer shall determine what is a reasonable price for such work.

Executed in duplicate 20th day of November, 1902.

(Signed.)

SOUTHERN PAVING & CONSTRUCTION CO.,

By W. M. LASLEY, Vice-President.

Attest: E. W. ARNOLD.

J. J. WILLIAMS,

B. R. HENDERSON,

JOHN ARMISTEAD,

Board of Fire and Police Commissioners.

WM. LACROIX,

D. GENSBURGER,

A. B. CARRUTHERS,

E. C. GREEN,

E. B. LEMASTER,

ED. F. GRACE,

H. H. LITTY,

Board of Public Works.

CHATTANOOGA, TENN., Aug. 29th, 1902.

Board of Fire and Police Commissioners, City of Memphis, Tenn.:

GENTLEMEN—In accordance with your advertisement, dated July 29th, for proposals for laying asphalt pavements, we hereby offer to lay a pavement of Bermudez Lake asphalt, with a total thickness of three (3) inches, composed of:

Binder	1½ inches.
Asphalt surface	1½ inches.
Total	3 inches

Character of Asphalt—All asphalt used in this pavement will be dug or taken directly from the Bermudez Asphalt Lake, in the Republic of Venezuela, South America.

Binder—A binder course will be laid directly upon a prepared finished foundation, laid by the City of Memphis, ready to receive same, and will comply with the specifications.

Wearing Surface—The wearing surface will be composed of—

Asphaltic cement	from 10 to 14%
Pulverized carbonate of lime....	from 6 to 13%
Sand	from 75 to 84%

or in such proportions as may be directed that will produce an approved mixture for this work.

The pavement to be laid, as above specified, for the sum of one dollar and forty-eight cents (\$1.48) per square yard.

The pavement will be laid under proper official inspection, and according to specifications. It will be guaranteed by satisfactory bond for maintenance for ten years (10) from the date when it is opened to traffic, and during said period all defects in the pavement, due to its proper use as a roadway, will be repaired and made good without additional expense.

Respectfully submitted,

SOUTHERN PAVING & CONSTRUCTION CO.,

By W. M. LASLEY, Vice-President.

STATE OF TENNESSEE,
COUNTY OF SHELBY.

We, the Southern Paving & Construction Company, as principals, and National Surety Company, of New York, N. Y., as surety, hereby acknowledge ourselves indebted to the City of Memphis, in the State and county aforesaid, in the sum of ten thousand (\$10,000.00) dollars, well and truly to be paid by ourselves, our successors, heirs and personal representatives.

But this is a penal obligation, the condition of which is that the said Southern Paving & Construction Company has on this the 20th day of November, 1902, entered into a contract with the City of Memphis for laying and maintaining certain asphalt pavements within said city, which said contract, and the advertisement, specifications and bid are referred to as being hereto attached, and all of said contract, advertisement, specifications and bid are made a part of this bond, as if the same were set forth in full herein, the said National Surety Company, of New York, N. Y., surety, acknowledging its complete knowledge of the contents of said contract, and the papers and exhibits thereto, and accepting the terms and provisions thereof.

Now, should the said Southern Paving & Construction Company well, fully and truly perform all the terms and provisions of the said contract on its part, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

Witness our hands, this the 20th day of November, 1902.

(signed.)

SOUTHERN PAVING & CONSTRUCTION CO.,

By W. M. LASLEY, Vice-President.

Attest: E. W. ARNOLD.

NATIONAL SURETY CO., OF NEW YORK,

By C. S. RIPLEY, Resident Vice-President.

Attest: GEO. E. McGEE, Resident Assistant Secretary.

ARTICLE 106.

THE F. W. COOK BREWING COMPANY.

This agreement and lease, made and entered into this the 16th day of January, A.D. 1904, by and between the City of Memphis (hereinafter called the lessor), and the F. W. Cook Brewing Company, a corporation of the State of Indiana, domiciled at Evansville, Ind. (hereinafter called the lessee), witnesseth:

Ten years' lease with renewal privileges.

The lessor does, by these presents, demise and lease to the lessee, its successors and assigns, for a term of ten (10) years, from February 1, 1904, with the privilege of renewing same for an additional ten years (subject to the provisions hereinafter made as to such renewal), certain real estate lying in the City of Memphis, Shelby County, Tennessee, more particularly described as follows:

A lot lying at the northeast corner of Tennessee and Talbot streets, same having a frontage of one hundred and fifty (150) feet, more or less, on the east side of Tennessee street, and running back eastwardly between parallel lines (the south line thereof being the north line of Talbot street) one hundred (100) feet, more or less, to a fence.

Rental

The lessee agrees to pay the lessor, as rental for said premises, one thousand dollars (\$1,000) per year, payable quarterly (that is, every three months) in advance, during the first ten years. In the event this lease is renewed for the second ten years, the lessee is to pay the lessor twelve hundred dollars (\$1,200) per year, payable quarterly in advance.

Lessee may remove improvements.

The lessee contemplates erecting on said premises various improvements in the way of buildings, etc., and the lessor agrees that, upon the expiration of this lease, or of any renewal of same, in the event there is any renewal, the lessee may remove from said premises all improvements placed or erected thereon by it, the lessee.

The privilege of renewal for ten years above provided for is subject to the condition and proviso that, at the end of the first ten years, the lessor shall not, in the sound discretion of its Board of Water Commissioners, or their successors, need the said premises for use, immediate or prospective, in the lessor's Water Department. But, in the event the lessor shall be unwilling to renew this lease because of needing said premises for use, immediate or prospective, in its said Water Department, it shall give the lessee notice of its intention not to renew the lease at least ninety days prior to the expiration of said first ten years.

Conditions
of renewal
of lease.

In the event the lessor, in the sound discretion of its said Board of Water Commissioners, or their successors, shall deem said property to be needed by it in its Water Department, not for immediate, but for prospective use therein, then the lessee shall have the right to remain upon said premises until such time, not exceeding ten years, as the premises are, in the discretion of said Commissioners, or their successors, actually needed by the lessor for said department. And, in such case, the lessee shall be given ninety days' notice that the premises are so needed.

The lessee agrees to turn over said premises to the lessor at the expiration of its tenancy in as good condition as the same now are, ordinary wear and tear and damage by weather excepted.

The lessor covenants with the lessee, its successors and assigns, that the lessee shall have possession of said premises on February 1, 1904, and shall have peaceable and quiet enjoyment of the same during the period of this lease, or any renewal thereof.

Witness the following signatures of the parties or their representatives this January 16, 1904.

J. J. WILLIAMS,

B. R. HENDERSON,

Members of Board of Fire and Police Commissioners.

WM. LACROIX,

A. B. CARRUTHERS,

ED. F. GRACE,

E. B. LEMASTER,

D. GENSBURGER,

E. C. GREEN,

H. H. LITTY,

Members of Board of Public Works.

Approved:

W. H. BATES,

JAS. S. DAVANT,

Board of Water Commissioners.

THE F. W. COOK BREWING CO.,

By A. B. SCHMIDT, General Agent.

ARTICLE 107.

DAN SHEA (BOILER WORKS.)

This contract of lease, made in duplicate, by and between the City of Memphis, Shelby County, Tennessee, of the first part, and Dan Shea, of said city, of the second part, witnesseth:

Lease to
Dan Shea.

That the said party of the first part, for and in consideration of the sums hereafter stipulated to be paid, has remised and let, and does hereby remise and let and lease to the party of the second part (said Dan Shea), the ground lying in said City of Memphis, and in the County of Shelby, and State of Tennessee, thus specifically described by metes and bounds, to-wit:

Description
of property.

Commencing at a point on the northwest corner of Front and Washington streets, thence running northwest along the west line of a paved roadway two hundred and twenty feet to a stake;

thence running southwest, and at a right angle to said roadway, fifty feet to a stake; thence running southeast two hundred and twenty feet along the east line of the right of way of the Memphis & Charleston (Southern) Railroad Company's track to the point of commencement. Such lease to be for the period of ten years commencing on the first day of December, 1905, which is the date of expiration of the contract of lease made between the parties to this lease on December 1st, 1898, to be fully completed and ended on the first day of December, 1915. But the said premises are let for the purpose, and are to be used only for the purpose, of erecting suitable buildings and appurtenances thereto, and for the further purpose of erecting thereon all necessary machinery for the building and construction of boilers, plate work of every description, and the doing of general repairs and foundry work. As compensation to the party of the first part for the lease of its premises and its use by the party of the second part, said second party hereby agrees to pay the party of the first part two hundred and forty dollars (\$240.00) per annum, payable in monthly installments of twenty dollars (\$20.00), on the first day of each and every month during the continuance of this lease and contract, payment to begin on the first day of December, 1905.

Term of lease.

Rent.

The parties hereto mutually agree that the party of the second part acquires and accepts just such title, rights and privileges to the leased premises as the party of the first part has the right and power under its charter to grant by the lease, and none other, and the party of the first part is not to be liable or responsible in any way for any sum whatever for or on account of, or in consequence of, a want or deficit of power or authority in said first party to make this lease, but said second party assumes the risk of such want or deficit of power in said first party, and the said second party agrees to defend, on his own account and at his own expense, any and all suits that may be brought to set aside this lease, wholly or in part,

Conditions.

and agrees to hold the first party harmless from and against all damages and losses to accrue to him, not only by reason of said suit and the judgment or decree that may be pronounced in them, which said second party hereby assumes and agrees to bear and pay as between him and the said first party, but also said second party agrees to defend and be liable in like manner for all suits and damages which may be brought or accrue from injury to others, through his agency or the agency of his employes, during the continuance of this contract, where damages are claimed or suits brought on account thereof against the said first party. At the end of this contract said second party shall have the right to remove the improvements put on the premises hereby demised, and the same are to belong to him, his heirs or assigns, provided all the terms and conditions hereof have been complied with on his part, but said improvements are to stand as a security for the faithful performance of his contract on the part of the party of the second part. A failure on the part of said second party to pay the monthly installments of rent when due, or to comply with any of the stipulations of this contract, shall, *ipso facto*, work a forfeiture of this contract at the option of the City of Memphis, the party of the first part, or its successors.

Forfeiture.

Witness the hands and seals of the parties this 9th day of October, 1902.

DAN SHEA.

J. J. WILLIAMS,

B. R. HENDERSON,

JOHN ARMISTEAD,

Fire and Police Commissioners.

ED. F. GRACE,

W. D. MOON,

D. GENSBURGER,

E. C. GREEN,

A. B. CARRUTHERS,

WM. LACROIX,

E. B. LEMASTER,

Board of Public Works.

ARTICLE 108.

HARRY STRONG AND R. JONES.

The City of Memphis, Tennessee, by its Mayor, J. J. Williams, and Secretary, W. B. Armour, of the first part, and Harry Strong and R. Jones, of the second part, do hereby enter into the following contract:

The said first party, authority being first obtained by the City Council, do by these presents lease to the said second party, from the 15th of November, 1904, until the 15th of November, 1919, the following property belonging to the City of Memphis, and described as follows:

The south half of Lot 44, Block 67 of Country Lot 484, situated at the northeast corner of Hernando and Gayoso streets, in the City of Memphis; said lot fronting twenty-two (22) feet, more or less, on the east side of Hernando street, and running back between parallel lines sixty-one (61) feet, more or less, along the north side of Gayoso street.

Property
leased.

The said first party covenants that it will keep and secure the said second party, or their representatives or assigns, in peaceful use, enjoyment and possession of said premises during the term of this lease, unless default of payment of rent or other conditions under this contract be made; and to indemnify the party of the second part, their heirs or assigns, for any damages or loss incurred in the event said second party or assigns are deprived of the possession of said premises at any time during the life of this lease. The said second party, for and in consideration of the use and possession of said premises, agree to pay to the said party of the first part, or its assigns, the sum of two hundred (\$200.00) dollars per annum, payable quarterly in advance; said payments to be evidenced by sixty (60) promissory notes of fifty (\$50) dollars each, of even date herewith. And, for further consideration, the parties of the second part agree and bind themselves to arch the bayou running through

Rent.

Improvements.

said property over with brick or concrete, under the directions of the City Engineer, and also to build a two-story brick house, twenty-two (22) by sixty (60) feet thereon, costing not less than forty-five hundred (\$4,500) dollars, in accordance with the city building ordinance, said building to be kept in good condition, less ordinary wear and tear, and, at the expiration of this lease, to be turned over to the party of the first part, as its property, unencumbered; and, in consideration of the premises, as aforesaid, the City of Memphis agrees to waive its right to tax, and does hereby covenant to exempt the said improvements from city taxes during the term of this lease.

Insurance.

The party of the second part agrees to insure said premises during the term of this lease for a sum not less than four thousand (\$4,000) dollars, and, in the event of loss by fire, to rebuild said improvements.

Default in
payment of
rent.

It is further agreed that if the party of the second part, or their representatives or assigns, should fail to pay any two of the consecutive payments, then, in that event, this lease shall become void and of no effect, and the party of the first part shall be entitled to immediate possession of the premises, without legal process, and said improvements shall then be the property of the party of the first part.

Not to alter
building.

It is further agreed and fully understood that the party of the second part shall make no alteration of the building aforesaid, without first obtaining the written consent of the party of the first part; and the party of the second part covenants to make such repairs upon said building from time to time as may be necessary to the security or preservation of said building.

In testimony whereof the said parties of the second part hereunto set their hands, and the party of the first part, by its

Mayor and Secretary, duly authorized, hereunto set their hands and official seal this 28th day of November, 1904.

CITY OF MEMPHIS,

By J. J. WILLIAMS, Mayor.

W. B. ARMOUR, City Secretary.

HARRY STRONG.

R. JONES.

STATE OF TENNESSEE,
COUNTY OF SHELBY.

Before me, C. D. Moore, a Notary Public, in and for the State and county aforesaid, personally appeared J. J. Williams and W. B. Armour, with whom I am personally acquainted, and who, upon oath, acknowledged themselves to be the Mayor and Secretary, respectively, of the City of Memphis, the within named bargainors, a municipal corporation, and that they, as such Mayor and Secretary respectively, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as Mayor and Secretary respectively.

Witness my hand and seal at office, in Memphis, Tennessee, this 30th day of November, 1904.

(Seal.)

C. D. MOORE, Notary Public.

STATE OF TENNESSEE,
SHELBY COUNTY.

Personally appeared before me, C. D. Moore, a Notary Public in and for the State and county aforesaid, duly commissioned and qualified, R. Jones and Harry Strong, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and notarial seal at Memphis, aforesaid, this 30th day of November, 1904.

(Seal.)

C. D. MOORE, Notary Public.

LEASE—REED & DUECKER.

The City of Memphis, of the first party, and Reed & Duecker, firm composed of Clyde C. Reed and Wm. Duecker, of the second party, herein enter into the following contract, viz.:

The said first party, by these presents, leases to said second party, from the 12th day of March, 1908, until the 12th day of March, 1911, the following property situated in Memphis, Shelby County, Tennessee, and described as follows, being the second and third floors, 51x104 feet each, running from No. 218 and No. 220 North Front street to Center alley, known as the old Exchange building. The city leases such interest as it has in said building, but does not guarantee its title.

The said second party, for and in consideration of the use of said premises, agrees to pay to said first party, or its assigns, the sum of ten dollars per month, payable monthly in advance, of thirty-five installments, for which thirty-five promissory notes, of even date hereof, have been executed, dated April 1st.

And the second party agrees to deliver up to said first party, or their assigns, the said premises at the expiration of this lease, in good order and condition, and to pay for all damages to said premises, except the usual wear and tear of the same, or destruction by storm or fire, and also to remain liable for rent until all the premises, with the keys of the same, cleared of all persons, goods or things not belonging to the same, be tendered or delivered to said first party, its heirs or assigns, in like good order, and no demand or notice of such delivery shall be necessary. The second party agrees that they will not underlet the whole or any part of said premises, without the written consent of said first party, or its assigns. It is further agreed that, in default of either one or more of said payments, or any part thereof, at maturity, or in case of underletting without authority, this lease may be declared forfeited by said first party, at its option, in which case the second party shall be liable for all rents until the

possession be delivered, and for all damages done to the premises; and the first party shall have the right to re-enter, take and retain possession of said premises, without being required to make demand of the same, or demand the payment of rents due, or to give notice of the non-payment of the rent; and the first party shall not become a trespasser by taking possession as aforesaid. No set off in payment of said rent shall be allowed, unless signed by the first party, its agents or assigns, and the said notes shall be full and complete evidence of the rent due and owing, and, when no notes are given, the proof of the payment of rent shall be on the second party in all controversies. It is agreed that said premises are in good order and condition at the date of these presents. In case of default of the second party, so as to forfeit their lease, in their absence from this city, service of process upon any white adult occupying or in possession of the premises shall be good and valid service upon the second party.

It is further agreed that the second party will allow nothing obnoxious to exist on said premises, and will, when required by the proper authorities, abate all such offensiveness at their own expense, and will suffer nothing on said premises that will invalidate any policy of insurance the first party may now have, or hereafter have, upon said premises, unless the consent in writing from the first party be first obtained. Reed & Duecker agree to repair the roof of said building, which will cost about five hundred dollars, more or less, and to keep said roof in good repair.

It is further agreed that no alteration or repairs shall be done to any part of said premises by said second party, without the first party's consent, in writing, under the penalty of double the cost necessary to put the premises in the condition they were when leased to Reed & Duecker, and the second party shall not, at any time, remove any repairs, improvements, addition or fixtures put on said premises by them, but the first party shall

have and hold all of the same at the end of said lease. Said first party reserves the right to make such repairs, at any time, as are necessary to the security or preservation of said premises.

Executed in duplicate.

In testimony whereof, the said parties have hereunto set their hands and seals this 14th day of March, 1908.

CITY OF MEMPHIS,

By JAMES H. MALONE, Mayor.

REED & DUECKER,

By C. C. REED.

STEINBERG & COMPANY CONTRACT.

This agreement, made and entered into on this the 28th day of May, 1909, by and between the City of Memphis, party of the first part, and S. Steinberg & Company, party of the second part, witnesseth:

That, whereas, on the 6th day of May, 1909, the City of Memphis passed a resolution giving and granting unto the party of the second part the exclusive right to act as scavenger of the City of Memphis, and to reduce in an absolutely sanitary manner the carcasses of all dead animals within the city limits, and also to reduce all swill and garbage in hotels and restaurants.

Now, therefore, in consideration of the premises, and the further consideration that the City of Memphis gives to the party of the second part the exclusive right for the period of five (5) years to act as City Scavenger, the party of the second part agrees to locate its plant or plants used for reduction purposes in a place or places approved in writing by the President and Secretary of the Board of Health. The machinery, mode of reduction and details of reduction shall be approved by the President and Secretary of the Board of Health. All wagons and other vehicles to be used by the party of the second part are to be approved by the President and Secretary of the Board of Health.

The location of all machinery, mode and detail of reduction, vehicles and all other details pertaining to said reduction shall be approved in writing by the Board of Health, before any steps are taken for the building of said reduction plant. The conduct of the plant shall, at all times, and under all circumstances, be under the approval of the Board of Health, so far as sanitation and operation is concerned. The said party of the second part agrees to erect an improved and up-to-date plant, to be approved by the President and Secretary of the Board of Health.

The party of the first part agrees to give the party of the second part the exclusive right to act as City Scavenger, for the term of five years. And the party of the second part shall have the power and right to haul to said plant, and reduce in a manner satisfactory to the Board of Health, such kitchen and restaurant swill and garbage as they shall see fit to use.

It is further understood and agreed by and between the parties to this contract that the same is made under and by virtue of the resolution passed by the City of Memphis, on the date above mentioned, and is to be governed and controlled by said resolution.

It is further understood and agreed that the City of Memphis is given, by the terms of this contract, the utmost protection, insofar as sanitation and the safe conduct of this business shall be concerned.

It is further understood and agreed that if either party hereto shall fail or refuse to carry out this contract in any particular, the party not at fault shall have the right to rescind the same.

In testimony of all of which the City of Memphis hereunto affixes its seal, signed by the Mayor and attested by the City Register on the day and date above written. And the said S. Steinberg & Company also sign and seal the same.

(Signed.)

CITY OF MEMPHIS,

By JAMES H. MALONE, Mayor.

S. STEINBERG & COMPANY,

By S. STEINBERG.

Attest: ENNIS M. DOUGLASS, City Register.

J. L. ANDREWS, President Board of Health.

ARTICLE 109.

MEMORANDA OF VARIOUS INDUSTRIAL (SPUR OR SIDE) RAILROAD TRACKS
THE RIGHT OF BUILDING AND OPERATING BEING GRANTED ON
PETITION OF THE SEVERAL RAILROADS AND INDUSTRIES,
BY GRANTING PRAYER OF PETITION, AND NOT
BY ORDINANCE.

Louisville & Nashville Railroad.
High street. Petition of Louisville & Nashville Railroad to construct and extend three tracks from the west and across High street, to connect with the two tracks on the east side of High street, granted, provided the company place the frog for these connecting tracks east of and clear of High street. (Minute Book F, page 97; September 11, 1902.)

Union Belt Line.
Gayoso Oil Mill. Petition of Gayoso Oil Works asking that the Union Belt Line tracks be moved four feet east at their building (the east rail not to exceed twenty-six and one-half feet from west line of Front street), granted. (Minute Book F, page 106; October 9, 1902.)

N., C. & St. L. Railway.
Georgia street. Petition of Nashville, Chattanooga & St. Louis Railway Company for permission to cross Georgia street with additional tracks, as shown on blue print, in order to reach lot between Webster and Georgia streets, referred to the Railroad Committee with power to act. (Minute Book F, page 110; October 9, 1902.)

Equitable Gas Company.
I. C. R. R. Petition of Equitable Gas Company to build a spur track to connect with the Illinois Central Railroad's sidetrack in the rear of the then Williams & Co.'s mill, granted during the will and pleasure of the Council, and the Gas Company required to keep crossing over Front street in good condition, etc. (Minute Book F, page 116; November 6, 1902.)

Petition of the Memphis Paving & Tile Company to run a switch track into their yard on northwest corner Broadway and Ragland avenue, granted under certain conditions. (Minute Book F, page 210; May 29, 1903.)

Memphis Paving & Tile Company.

N., C. & St. L. Ry.

Petition of Galloway Coal Company for permission to take up track at northwest corner of lot on Main street, north of Auction street, and to replace same about forty feet south of its present crossing, granted under certain conditions. (Minute Book F, page 220; June 22, 1903.)

Galloway Coal Company.

L. & N. Ry.

Petition Union Railway Company to close Brinkley street from where the same is intersected by its tracks west of Front street to the property of the Illinois Central Railroad, granted for a period of ten years, and contract ordered drawn. (Minute Book F, page 235; August 6, 1903.)

Union Railway Company.

Brinkley street.

Petition of Nashville, Chattanooga & St. Louis Railway Company for permission to construct spur track on Michigan avenue, granted subject to the will and pleasure of the Council. (Minute Book F, page 377; October 6, 1904.)

N., C. & St. L. Ry.

Michigan avenue.

Petition of St. Louis & San Francisco Railway Company for permission to move the head block of the switch now in Tennessee street, at north line of Pontotoc street, to a point further south on the south line of Pontotoc street, and to connect this switch with the tracks on the west side of Tennessee street, in front of the Valley Oil Mills, granted subject to the will and the pleasure of the Council. (Minute Book F, page 384; November 10, 1904.)

St. Louis & San Francisco Railway Co.

Tennessee street.

Petition of the Iron Mountain Railroad for permission to continue its track now running in front of the DeSoto Oil Mill, in front of the Southern Biscuit Works (being on the west side

Iron Mountain Ry.

Southern Biscuit Works.

of Kentucky avenue, near Gaines street), granted subject to will and pleasure of Council, etc. (Minute Book A, pages 62-63 and 66-67, Upper Board; December 7, 1905. See ordinance.)

Moore Bros. Petition of Moore Bros. for sidetrack into their coal yards on
Southern Ry. west side of Dunlap street, said track to cross Dunlap street, beginning at east line of said street and diverging gradually northwardly from the tracks of the Southern Railway, granted during will and pleasure of the Council. (Minute Book B, page 240; March 4, 1909.)

MEMORANDUM REFERENCES TO CONTRACTS CONTAINED IN THE
WATKINS DIGEST OF 1902.

Memphis Street Railway Company Contract No. 1 (ordinance). Contract made and entered into September 3, 1885, between the Taxing District of Shelby County, Tennessee, and the Citizens' Street Railroad Company, granting said company the right to enter upon, use and occupy for street railway purposes, and until the expiration of the charter of said company, the streets, highways and public grounds of said Taxing District, routes set out. (See Watkins' Digest, 1902, pages 533 to 540, inclusive.)

Memphis City Railroad Company (contract). Contract made and entered into February 4, 1886, between the city and the Memphis City Railroad Company, granting said company the right to build and maintain street railway tracks upon certain streets, during the continuance of its charter, etc. (See Watkins' Digest, 1902, pages 540 to 545, inclusive.)

Memphis, Greenwood & Prospect Park Railroad and East End Railway Company (contract). Contract made May 5, 1887, between the city and the Memphis, Greenwood & Prospect Park

Railroad, the right to use, enter upon and occupy for street railway purposes (to be operated by animal power, or steam dummy engines), certain streets set out, etc., for twenty-five years. (See Watkins' Digest, 1902, pages 550 to 561, inclusive.)

Jackson Mound Park Railroad Company. Contract between city and the Jackson Mound Park Railroad Company, dated July 19, 1888, granting franchise for twenty-five years to construct and operate street railways over routes set out and conditions imposed. etc. (See Watkins' Digest, 1902, pages 562 to 572, inclusive.)

Memphis Electric Railway Company (contract). Contract made November 14, 1889, between the city and the Memphis Electric Railway Company, for the purpose of constructing and operating street railways, in and near said district (routes and conditions set out), term thirty years. (See Watkins' Digest, 1902, pages 573 to 588, inclusive.)

City & Suburban Railway Contract. Contract made October 30, 1890, between the city and the City & Suburban Railway Company, granting certain rights to operate street railway tracks over certain streets enumerated and under conditions specified. Term, twenty-five years from July, 1888. (See Watkins' Digest, 1902, pages 588 to 596, inclusive.)

City & Suburban Railway Company and Jackson Mound Park Railway Company. Contract made April 25, 1890, between the Jackson Mound Park Railroad Company, the City & Suburban Railway Company and the city. Sale of piece of property on south side of Union street, 280 feet east of intersection of Union and Second streets, to City & Suburban Railway Company and

franchises by Jackson Mound Park Railway Company. Term, twenty-five years. (See Watkins' Digest, 1902, pages 597 to 605, inclusive.)

Citizens' Street Railroad Company (contract). Contract made January 29, 1891, between the city and the Citizens' Street Railroad Company, granting said company certain rights to construct and maintain street railway tracks in the city. Expires May 23, 1916. (See Watkins' Digest, 1902, pages 606 to 625, inclusive.)

Raleigh Springs Railroad Company (contract). Contract made August 1, 1891, between the city and the Raleigh Springs Railroad Company, granting said company certain rights to construct and maintain street railway tracks in the city, for a period of twenty-five years. (See Watkins' Digest, 1902, pages 626 to 640, inclusive.)

Illinois Central Railroad Company and Mississippi & Tennessee Railroad Company (contract). Contract made June 21, 1880, between the city and the Mississippi & Tennessee Railroad Company, to construct and operate a branch track from present terminus of Mississippi & Tennessee Railroad, on Calhoun street, to connect with the tracks of the Memphis & Charleston, Memphis & Little Rock, Memphis, Paducah & Northern, and Louisville & Nashville Railroads, etc. Expires forty years from date. (See Watkins' Digest, 1902, pages 640 to 649, inclusive.)

Chesapeake, Ohio & Southwestern Railroad Company (contract). Contract between city and Chesapeake, Ohio & Southwestern Railroad for modification of contract of April 26, 1881, with Memphis, Paducah & Northern Railroad, said Chesapeake, Ohio & Southwestern Railroad being successors, so as to permit

it to maintain a track on river front, etc. Made December 5, 1881. Term, fifty-five years from April 26, 1881. (See Watkins' Digest, 1902, pages 650 to 658, inclusive.)

Chesapeake, Ohio & Southwestern Railroad Company. Contract between city and Chesapeake, Ohio & Southwestern Railroad, dated April 26, 1881, granting Memphis, Paducah & Northern Railroad Company a lease upon certain grounds within the city, and to maintain track over said premises, said Chesapeake, Ohio & Southwestern Railroad being successors to the Memphis, Paducah & Northern Railroad. Term, fifty-five years from April 26, 1881. (See Watkins' Digest, 1902, pages 658 to 662, inclusive.)

Memphis, Paducah & Northern Railroad Company. Contract between city and the Memphis, Paducah & Northern Railroad Company, made September 1, 1880, granting trackage rights on Fulton *et al.* streets, etc. Term expires in five years. (See Watkins' Digest, 1902, pages 663 to 669, inclusive.)

Memphis, Paducah & Northern Railroad Company. Contract made between the city and the Memphis, Paducah & Northern Railroad Company, dated April 26, 1881, leasing certain property on the river front east of Promenade street, and west of Front street for a term of fifty-five years, at an annual rental of \$500.00. (See Watkins' Digest, 1902, pages 670 to 678, inclusive.)

Tennessee Southern Railroad Company. Contract between city and Tennessee Southern Railroad Company, made May 22, 1883, for trackage rights on Broadway, Tennessee street, river front, etc. Term, fifty-five years from date. (See Watkins' Digest, 1902, pages 679 to 693, inclusive.)

Newport News & Mississippi Valley Railroad (contract). Contract between city and the Newport News & Mississippi Valley Railroad Company, dated April 26, 1881, granting lease to said company for a term of twenty-five years, upon certain lots, with right to build depots, etc. (See Watkins' Digest, 1902, pages 693 to 703, inclusive.)

Newport News & Mississippi Valley Railroad (contract). Modified contract between city and the Newport News & Mississippi Valley Railroad, to provide incline roadway on river front, etc. Resolution adopted August 14, 1890. (See Watkins' Digest, 1902, pages 704 to 707, inclusive.)

Illinois Central Railroad Company. Contract between city and the Illinois Central Railroad Company, dated March 20, 1893, to lay additional tracks on Georgia street, etc., for a period of fifteen years from March 1, 1893, at an annual rental of \$500. (See Watkins' Digest, 1902, pages 708 to 711, inclusive.)

Louisville & Nashville Railroad Company (contract No. 1). Contract between city and the Louisville & Nashville Railroad Company, trackage rights into Auction Square, Fulton street, etc., for a period of twenty-five years. Contract dated October 1, 1881. (See Watkins' Digest, 1902, pages 712 to 716, inclusive.)

Louisville & Nashville Railroad Company (contract No. 2.) Contract made December 17, 1899, between the city and the Louisville & Nashville Railroad Company, granting trackage rights across Third street, north of Concord street, for a term of fifty years, conditioned to build freight house and do certain paving, etc. (See Watkins' Digest, 1902, pages 717 to 721, inclusive.)

Choctaw & Memphis Railroad Company (contract No. 1); Memphis & Little Rock Railroad (contract). Contract between the city and the Memphis & Little Rock Railroad Company, agreeing to comply with all the terms and conditions of a lease to said company whereby certain portions of the wharf and of Center Landing were leased to said railroad, which lease is of record in the Register's office, Shelby County, in Book No. 122, page 419, *et seq.* Lease to run for twenty-five years from September 9, 1880. (See Watkins' Digest, 1902, pages 722 to 728, inclusive.)

Memphis & Little Rock Railroad Company (contract No. 2). Contract between the city and the Memphis & Little Rock Railroad Company, dated May 5, 1898, granting additional trackage rights to terminate at will of Council, etc. (See Watkins' Digest, 1902, pages 729 to 731, inclusive.)

Choctaw & Memphis Railroad Company (contract No. 3). Contract between city and the Choctaw & Memphis Railroad Company, made August 30, 1899, being lease of property on river front between Washington and Poplar streets, and including what is known as Center Landing, etc., for a term of fifty years, to be used as freight yards, etc., at an annual rental of \$500. (See Watkins' Digest, 1902, pages 731 to 740, inclusive.)

Choctaw & Memphis Railroad Company (contract No. 4). Contract between city and the Choctaw & Memphis Railroad Company, dated August 3, 1899, being lease for a term of fifty years of lots or parcels of land. Lot 1: Bounded on north by Southern Railway tracks, from Washington street across Illinois Central Railroad, in Promenade street; on the east by Front street; south by Adams street; west by Illinois Central Railroad, in Promenade street, except that part of Washington street included

in these boundaries. Lot No. 2: Bounded on north by Adams street; south by Jefferson street; west by Illinois Central Railroad in Promenade street. Semi-annual rental of \$750, payable the first days of January and July each year. (See Watkins' Digest, 1902, pages 740 to 746, inclusive.)

Choctaw, Oklahoma & Gulf Railroad Company (contract No. 5). Contract between city and the Choctaw, Oklahoma & Gulf Railroad Company, dated September 27, 1899. Assignment of lease first above described dated August 3, 1899, to Choctaw & Memphis Railroad Company, under terms of lease. (See Watkins' Digest, 1902, pages 747 to 749, inclusive.)

Iron Mountain Railroad Company. Contract between city and the Iron Mountain Railroad Company, dated November 13, 1886, granting certain trackage rights upon Kentucky avenue, Calhoun street, Broadway, etc., to connect with the L., N. O. & T. R. R. tracks, on Tennessee street, etc., for a term of fifty-five years. (See Watkins' Digest, 1902, pages 749 to 759, inclusive.)

Iron Mountain Railroad (contract No. 2). Contract between city and the Iron Mountain Railroad Company, dated May 8, 1890, grant to use Georgia, Carolina, Broadway and other streets, for a term of fifty-five years, etc. (See Watkins' Digest, 1902, pages 759 to 764, inclusive.)

St. Louis & San Francisco Railroad; Kansas City, Springfield & Memphis Railroad; Merchants' Cotton Press & Storage Company. Contract between city and the Kansas City, Springfield & Memphis Railroad Company and the Merchants' Cotton Press & Storage Company, dated March 29, 1888, granting said companies

right to close certain streets, and to lay tracks on and across Broadway, Georgia and Carolina streets, *et al.*, for a term of forty-five years. (See Watkins' Digest, 1902, pages 765 to 770, inclusive.)

Springfield & Memphis Railroad Company (contract). Contract between city and the Springfield & Memphis Railroad Company, dated December 5, 1881, granting trackage rights on Fifth, Georgia, Broadway, Calhoun, Tennessee and other streets, and to close certain streets and alleys. Term of franchise, fifty-five years. (See Watkins' Digest, 1902, pages 771 to 782, inclusive.)

Memphis & Charleston Railroad Company and the Kansas City Companies. Contract between city and the Kansas City, Fort Scott & Memphis and the Kansas City, Memphis & Birmingham Railroad Companies and the Memphis & Charleston Railroad Company, for the purpose of settling disputes on Broadway, granting lease to part of Broadway from McGehee Station to the Mississippi River, etc., quit-claim any interest city may have in property. Contract dated January 31, 1890. (See Watkins' Digest, 1902, pages 783 to 797, inclusive.)

Southern Railway Company; Memphis & Charleston Railroad Company; East End Railway Company. Contract between city, the Memphis & Charleston (now Southern) Railway Company, and the East End Railway Company, in regard to opening Monroe street and building bridge over Southern Railway tracks. Dated October 6, 1887. (See Watkins' Digest, 1902, pages 798 to 803, inclusive.)

Memphis & Charleston Railway (contract No. 2). Contract between city and the Memphis & Charleston (now Southern) Railway, *in re* building bridge carrying Madison street over its tracks. Dated March 3, 1892. (See Watkins' Digest, 1902, pages 804 and 805.)

Union Railway Company (Belt Line). Contract between city and the Union Railway Company, dated January 7, 1890, franchise right for trackage rights in and around the city. (See Watkins' Digest, 1902, pages 806 to 813, inclusive.)

Union Railway Company (Belt Line). Contract between city and the Union Railway Company, for trackage rights on Broadway, from Main street to McGehee Station, etc., under conditions specified. Grant dated November 6, 1890. (See Watkins' Digest, 1902, pages 814 to 822, inclusive.)

Nashville, Chattanooga & St. Louis Railway; Tennessee Midland Railroad Company. Contract between city and the Tennessee Midland (now Nashville, Chattanooga & St. Louis) Railroad Company, dated April 2, 1888, grant to railroad to lay tracks on Broadway, Michigan, Calhoun, Webster, etc., streets for a term of fifty-five years. (See Watkins' Digest, 1902, pages 823 to 829, inclusive.)

Artesian Water Company (contract). Contract between city and the Memphis Water Company, dated May 1, 1882, to extend water mains, furnish water, etc. (See Watkins' Digest, 1902, pages 829 to 833, inclusive.)

Artesian Water Company. Contract between city and the Artesian Water Company, dated July 30, 1887, to supply consumers with pure water, extend mains, rate of charges, etc. (See Watkins' Digest, 1902, pages 834 to 845, inclusive.)

Artesian Water Company. Contract between city and the Artesian Water Company, dated April 11, 1889. Sale of Memphis Water Company of property and franchises to Artesian Water Company. (See Watkins' Digest, 1902, pages 846 to 848, inclusive.)

Artesian Water Company. Contract between city and the Artesian Water Company, dated June 13, 1898, to furnish water for flushing sewers, etc., between Iowa, Mississippi & Tennessee Railroad, Division street and the Mississippi River, etc. (See Watkins' Digest, 1902, pages 848 to 853, inclusive.)

Memphis Light & Power Company. Contract between city and the Memphis Light & Power Company, dated May 6, 1897, agreeing to furnish arc lights for a term of five years from July 1, 1897, for \$85 per annum each, etc. (See Watkins' Digest, 1902, pages 854 to 857, inclusive.)

Memphis Light & Power Company. Contract between city and the Memphis Light & Power Company, dated November 22, 1890, for furnishing light and power for municipal purposes, etc., and to occupy the streets with its poles, etc. (See Watkins' Digest, 1902, pages 858 to 861, inclusive.)

Equitable Gas Light Company. Contract between city and the Equitable Gas Light Company. Franchise to use streets for laying pipes, etc., and doing other necessary acts for the sale and distribution of illuminating and heating gas. Dated July 26, 1887. (See Watkins' Digest, pages 862 to 874, inclusive.)

Memphis Telephone Company. Contract between city and the Memphis Telephone Company (Wm. P. Curtis and associates), granting franchise for twenty-five years to construct a telephone exchange, and in connection therewith a line or lines of telephone wires, etc. Dated July 1, 1899. (See Watkins' Digest, pages 875 to 880, inclusive.)

Postal Telegraph Company. Contract between city and the Postal Telegraph Company, dated September 11, 1890, granting said company the privilege of erecting its poles and wires in the city over certain streets, subject to the will and pleasure of the Council. (See Watkins' Digest, pages 880 to 883, inclusive.)

American District Telegraph Company. Contract between city and the American District Telegraph Company, dated February 4, 1892, granting said company, for a term of twenty-five years, the right to use streets for poles and wires for electrical system of alarm box, telephone and telegraph system, etc. (See Watkins' Digest, 1902, pages 884 to 886, inclusive.)

R. G. Craig & Co. Contract permitting spur track into R. G. Craig & Co.'s building, on Main street, between Auction and first alley north. Granted for a term of fifteen years, December 11, 1890. (See Watkins' Digest, 1902, pages 887 to 889, inclusive.)

Barron Collier Company. Contract between city and Barron Collier Company to furnish the city gas and vapor lights, dated January 15, 1898, to run five years. (See Watkins' Digest, 1902, pages 889 to 891, inclusive.)

Barron Collier Company. Contract between city and the Barron Collier Company for furnishing lights for one year, gas and gasoline, awarded bid by resolution adopted January 7, 1909. Contract to run for one year from February 1, 1909, lights to be furnished for \$28.80 each per annum. (See Minute Book B, Board of Public Works, page 332.)

Chickasaw Cooperage Company. Contract between city and Chickasaw Cooperage Company, lease of property now used by its plant on Front street, near Wolf River, for a term of ten years from October 17, 1900, at an annual rental of \$355.87, payable quarterly in installments of \$88.97. (See Watkins' Digest, 1902, pages 892 to 895, inclusive.)

Williams & Company. Contract between city and Williams & Company. Lease made April 14, 1899, of lot corner Mill and Chickasaw streets for a term of ten years from October 17, 1900, for annual rental of \$572.04, in monthly or quarterly installments. (See Watkins' Digest, 1902, pages 896 to 900, inclusive.)

Dan Shea. Contract between city and Dan Shea, made November 21, 1898. Lease of lot on west side of Front street, near corner of Washington street, to end December 1, 1905, at rental of \$75 per annum. (See Watkins' Digest, 1902, pages 901 to 903, inclusive.)

Hygeia Street Company; Fay & Company. Contract between city and Fay & Company, dated September 3, 1900 (assigned to Hygeia Street Company, of Louisville, Ky.), giving said company right to install waste boxes on streets at rental of \$200 per year for a period of ten years. This contract abrogated in default of payment of notes. (See Watkins' Digest, 1902, pages 904 to 906, inclusive.)

Union Railway Company (Belt Line). Contract between city and the Union Railway Company, dated July 31, 1902, granting right to construct and operate belt line in the city over routes described, for a term of thirty-five years. (See Watkins' Digest, 1902, pages 907 to 941, inclusive.)

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OF THE

ACTS OF THE STATE OF TENNESSEE
AFFECTING MEMPHIS

AND OF

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